Schedule No. 1

Montana Local Government
Records Committee

STATE DOCUMENTS COLLECTION

JAN 2 5 2001

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

General Records Schedule

Introduction

About This Book

Why schedules?

We have created these schedules to help you fulfill your recordkeeping responsibilities. Records retention and disposition schedules help you manage your records systematically by specifying how long,where, and in what format they will be kept and what their final disposition will be.

The Local Government Records Committee, with help from local records custodians, appraised the records and prepared the records retention and disposition schedules. The scheduling process is ongoing and involves close cooperation among local records custodians, local government officials, and state government agencies whose policies and procedures affect local government records or who have the expertise to provide valuable assistance. If you have suggestions to make about the schedules—changes, additions, questions—please contact the Local Government Records Committee.

What schedules include

Every record series listed on a schedule includes a title (and variant titles if needed for identification), a brief description of the record series' function and its contents (if necessary), a retention period (the length of time the record must be maintained in the office, and, in some cases, the length of time it can be kept in inactive storage somewhere other than the office), and a final disposition.

General schedules are designed for categories of records that many offices have in common, for example, correspondence and subject files. The Local Government Records Committee also produces specific schedules designed for specific offices.

Authority

MCA 2-6-402 & 2-6-403

In 1993 the State Legislature created a Local Government Records Committee to "approve, modify, or disapprove proposals for local government records retention and disposition schedules."

The Committee also can approve or disapprove requests to dispose of or destroy records; establish categories of records for which a disposal request is not required; respond to requests for technical advice on matters relating to local government records; and provide leadership and coordination in matters affecting the records of multiple local governments.

The Committee is composed of the State Archivist, the State Records Manager, an auditor from the Local Government Services Bureau in the Dept. of Commerce, plus four appointed local records custodians.

Disposition approval

An important component of any records management program is the disposition of records that have reached their prescribed retention period. The legislation established a Destruction Subcommittee to approve the disposal of local government records. The Subcommittee is composed of the State Archivist and an auditor from the Dept. of Commerce. The auditor is concerned with records that need to be saved for audit purposes and the State Archivist is interested in preserving records that have ongoing administrative, legal, or research value.

Please see the Appendix for a copy of the "Request and Authorization for Records Disposal" form. It is provided for your convenience, although you may prefer to submit your own computer printout or simply a letter giving the records series title and dates of the records you want to dispose of.

The State Archives also was given authority to accept transfers of records that local governments may no longer have room to store themselves. You may want to consider depositing your records with your local library, museum, or historical society. If you decide to deposit them locally, please contact the State Archivist for a deposit agreement form.

Definitions

Local government

As defined in 2-6-401, a local government means:

- any city, town, county, consolidated city-county, or school district;
- any subdivision of an entity named above.

Public records

Quoting from 2-6-401, a public record includes "any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including all copies of the records, *regardless of physical form or characteristics*, that has been made or received by any local government, in connection with the transaction of official business, and preserved for informational value or as evidence of a transaction and all other records or documents required by law to be filed with or kept by any local government in the state of Montana."

Records schedule

A records schedule—or records retention and disposition schedule—is a document providing minimum periods of time records must be retained and instructions for what to do with records no longer needed for current government business.

Disposition

Disposition is the actions taken regarding records no longer needed for current government business, including:

- transfer to a storage facility,
- transfer from one department or government entity to another,
- transfer of permanent records to an archives, and
- destruction of temporary records.

Destruction

Methods of destroying records include:

- burning, pulping, shredding, macerating, burial,
- disgarding with other waste materials, and
- selling or salvaging the record medium (e.g., recycling).

Legal Considerations

Privacy versus the Right-to-Know

The Montana Constitution assures citizens of both the right to know (Section 9) and the right to privacy (Section 10). When it comes to public records, these two sections sometimes appear to be in conflict. In addition to the constitutional right to know, MCA 2-6-102 also provides citizens the right to inspect and copy public records. Which is more important, the individual's right to privacy or the right to know?

There is a body of case law where Montana courts have done a balancing act between the two sections and decided which is more important in specific instances. These existing cases can be used to provide guidance. Also, it is sometimes possible to provide the information a citizen seeks without allowing the person to look at the confidential portions of the records. This can be done by looking at the records yourself and providing a verbal response to the citizen, or by photocopying and blocking out the confidential information before allowing the citizen to see the document(s).

When in doubt about whether something is confidential and or whether you have to allow access, consult your lawyer.

Stopping scheduled destruction of records when a law suit is filed

When a law suit is filed, it is very important that *you* stop the destruction of records that might be pertinent to the law suit, even if the records have already meet their scheduled retention period. If you continue with the destruction, it may *appear* to a judge that you intentionally disposed of records that could be needed in the law suit. If the judge thinks you intentionally destroyed records, your local government entity could be sanctioned.

If your local government is presented with a subpoena:

- Immediately tell your lawyer,
- Get an explanation from the lawyer about what is involved in the case so you know what records should not be destroyed and so you can help advise the lawyer about what records exist,
- Coordinate with your lawyer about what records are needed and when.

Signatures Page

General Records Schedule

The undersigned members of the Montana Local Government Records Committee approve of the following Records Retention and Disposition Schedule:

Peggy Bourne, *Great Falls City Clerk*

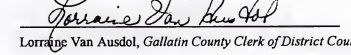
Edward Eaton, *State Records Manager*

Lorin E. Flesjer, *Dept. of Commerce*

Kathryn Otto, *State Archivist*

Marcia Porter, *Missoula County Records Management*

Bonnie Ramey, *Jefferson County Clerk & Recorder*



Lorraine Van Ausdol, *Gallatin County Clerk of District Court*

Approved: August 1996

DEPARTMENT: COUNTY GENERAL SCHEDULES (apply to all offices)

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
RETENTION SCHEDULE APPLIES REGARDLESS OF FORMAT OF RECORD. SEE MCA 2-6-401 (2)			
1.	CORRESPONDENCE: GENERAL Includes routine incoming and outgoing correspondence, memoranda, E-mail, etc. which do not serve an accountability function, such as documenting decision-making, policy, or agency operations: examples include routine inquires and answers from the public which require no administrative action, no policy decision, and no special compilation or research for reply, e.g. requests for general information or publication, cover/transmittal letters which do not add information to that contained in the transmitted material, information copies of correspondence on which no documented administrative action was taken, acknowledgments, memoranda and correspondence generated by another agency and kept by the office for reference purposes, thank you letters, congratulations, quasi-official notices, such as notices of holidays, charity appeals, etc.		Review annually and destroy when no longer needed.
2.	CORRESPONDENCE: OFFICIAL Includes incoming and outgoing correspondence, memoranda, E-mail, and legal opinions, which document how the office is organized and how it functions; its pattern of action, policies, procedures, and achievements, and which serve to substantiate the accountability of the office.		Permanent. Consult State Archivist before transferring to local historical society, museum, or library.
3.	CORRESPONDENCE: READING FILES Copies of outgoing communications arranged chronologically and maintained for periodic review by staff; these copies are in addition to copies kept in either the Official Correspondence or the General Correspondence		Retain until no longer needed.
4.	CORRESPONDENCE: SUSPENSE / TICKLER / FOLLOW-UP FILES Files arranged in chronological order as a reminder that an action is required on a given date or that a reply to action has not been received, should be traced on a given day.		Incorporate into Official Correspondence if appropriate. If not, destroy after action has been taken.
5.	MINUTES OF MEETINGS: a. Staff b. Board or Committee	May be microfilmed.	a. Until outdated b. Permanent
6.	NON-RECORD MATERIAL: Duplicate copies of other documents retained only for convenience, outdated blank forms, routing slips which do not contain annotations of significance. Personal correspondence of a solely personal nature kept at the office for convenience-keep this in a separate file.		May be destroyed when no longer needed.

FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8-8-1996

DEPARTMENT: COUNTY GENERAL SCHEDULES (apply to all offices)

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
7.	REFERENCE FILES: Copies of documents retained strictly for reference and informational purposes and are not part of the official files. These include copies of reports, studies, special compilations of data, drawings, or other externally generated publications for which the originating agency maintains the original "record" copy, periodicals, books, clippings, brochures, catalogs, trade journals, vendor price lists, extra copies of manuals, publications etc.		Review annually and destroy material of no further use.
8.	SUBJECT FILES: ADMINISTRATIVE / OFFICIAL Arranged by subject, these may contain correspondence, memoranda, minutes, reports, etc., concerning policy, procedure, organization, programs, fiscal or personnel matters, legislation and regulations.	Select and retain documents of continuing administrative, fiscal, legal, or research use. May be microfilmed.	Permanent
9.	SUBJECT FILES: GENERAL May include correspondence, memoranda, publications, reports, and other information received by the office and filed by subject which DO NOT pertain to the performance of the mission functions of the office. Examples include documents concerning internal office procedures, hours of duty, individual duties which do not have continuing applicability, documents concerning housekeeping activities such as participation in charitable affairs, emergency tests, office security, parking, safety, excess or obsolete forms, property inventory sheets, lists or directories, phone logs, clippings, etc.		Review annually and destroy when no longer needed.
10.	TASK FORCE OR COMMITTEE FILES: Records relating to the establishment, organization, membership, and policy of any task forces or committees for which the office is the presiding official or the logical keeper of the records. These records may include minutes, agenda of meetings, correspondence, policies, procedures, final reports and other relevant supporting material.	May be microfilmed.	Permanent
11.	WORKING PAPERS / PROJECT FILES: Project background records, studies, analyses, notes, preliminary drafts, interim reports, which have been summarized in a final report or other form; does not include construction projects.		Final report - Permanent Working papers- 1 year after final action is taken on project, unless no report is prepared, then keep permanently.

FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8-8-1996

Appendix

Request and Authorization for Records Disposal

MONTANA LOCAL GOVERNMENT RECORDS COMMITTEE
Local Government Records Destruction Subcommittee

REQUEST AND AUTHORIZATION FOR RECORDS DISPOSAL

FROM:

TO: Montana Local Government Records Committee
C/O Dept. Of Commerce, Local Government Services
1424 Ninth Ave.
P.O. Box 200501
Helena MT 59620-0501

Authorization is hereby requested for the disposal of the following records under the provisions contained in 2-6-403, Montana Code Annotated

DESCRIPTION OF RECORDS (include case no. or other identifying numbers)	INCLUSIVE DATES FROM TO	APPROVE YES	APPROVE NO	COMMENTS
Example: District Court Civil Files No D79-130	19790101 19800630 (yyyymmdd yyyymmdd)	✓		Microfilmed

Authorization is granted on the express condition that all the fiscal records involved have been audited and the audit approved, or such records are not required for future audit, and that all of the records listed have ceased to have sufficient additional value to warrant future retention.

ORDERED BY		APPROVED BY	
Judge, or Chair of Board of Trustees/ Commissioners	Date	Local Government Records Destruction Subcommittee Member	Date
Records Custodian	Date	Local Government Records Destruction Subcommittee Member	Date

DESCRIPTION OF RECORDS (include case number or other identifying numbers)	INCLUSIVE DATES FROM TO (yyyymmdd yyymmdd)	APPROVE YES ✓	APPROVE NO ✓	COMMENTS

Schedule No. 2

Montana Local Government
Records Committee

STATE DOCUMENTS COLLECTION

JAN 2 5 2001

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

County Clerk and Recorder Schedule

Introduction

About This Book

Why schedules?

We have created these schedules to help you fulfill your recordkeeping responsibilities. Records retention and disposition schedules help you manage your records systematically by specifying how long,where, and in what format they will be kept and what their final disposition will be.

The Local Government Records Committee, with help from local records custodians, appraised the records and prepared the records retention and disposition schedules. The scheduling process is ongoing and involves close cooperation among local records custodians, local government officials, and state government agencies whose policies and procedures affect local government records or who have the expertise to provide valuable assistance. If you have suggestions to make about the schedules—changes, additions, questions—please contact the Local Government Records Committee.

What schedules include

Every record series listed on a schedule includes a title (and variant titles if needed for identification), a brief description of the record series' function and its contents (if necessary), a retention period (the length of time the record must be maintained in the office, and, in some cases, the length of time it can be kept in inactive storage somewhere other than the office), and a final disposition.

General schedules are designed for categories of records that many offices have in common, for example, correspondence and subject files. The Local Government Records Committee also produces specific schedules designed for specific offices.

Authority

MCA 2-6-402 & 2-6-403

In 1993 the State Legislature created a Local Government Records Committee to "approve, modify, or disapprove proposals for local government records retention and disposition schedules."

The Committee also can approve or disapprove requests to dispose of or destroy records; establish categories of records for which a disposal request is not required; respond to requests for technical advice on matters relating to local government records; and provide leadership and coordination in matters affecting the records of multiple local governments.

The Committee is composed of the State Archivist, the State Records Manager, an auditor from the Local Government Services Bureau in the Dept. of Commerce, plus four appointed local records custodians.

Disposition approval

An important component of any records management program is the disposition of records that have reached their prescribed retention period. The legislation established a Destruction Subcommittee to approve the disposal of local government records. The Subcommittee is composed of the State Archivist and an auditor from the Dept. of Commerce. The auditor is concerned with records that need to be saved for audit purposes and the State Archivist is interested in preserving records that have ongoing administrative, legal, or research value.

Please see the Appendix for a copy of the "Request and Authorization for Records Disposal" form. It is provided for your convenience, although you may prefer to submit your own computer printout or simply a letter giving the records series title and dates of the records you want to dispose of.

The State Archives also was given authority to accept transfers of records that local governments may no longer have room to store themselves. You may want to consider depositing your records with your local library, museum, or historical society. If you decide to deposit them locally, please contact the State Archivist for a deposit agreement form.

Definitions

Local government

As defined in 2-6-401, a local government means:

- any city, town, county, consolidated city-county, or school district;
- any subdivision of an entity named above.

Public records

Quoting from 2-6-401, a public record includes "any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including all copies of the records, *regardless of physical form or characteristics*, that has been made or received by any local government, in connection with the transaction of official business, and preserved for informational value or as evidence of a transaction and all other records or documents required by law to be filed with or kept by any local government in the state of Montana."

Records schedule

A records schedule—or records retention and disposition schedule—is a document providing minimum periods of time records must be retained and instructions for what to do with records no longer needed for current government business.

Disposition

Disposition is the actions taken regarding records no longer needed for current government business, including:

- transfer to a storage facility,
- transfer from one department or government entity to another,
- transfer of permanent records to an archives, and
- destruction of temporary records.

Destruction

Methods of destroying records include:

- burning, pulping, shredding, macerating, burial,
- disgarding with other waste materials, and
- selling or salvaging the record medium (e.g., recycling).

Legal Considerations

Privacy versus the Right-to-Know

The Montana Constitution assures citizens of both the right to know (Section 9) and the right to privacy (Section 10). When it comes to public records, these two sections sometimes appear to be in conflict. In addition to the constitutional right to know, MCA 2-6-102 also provides citizens the right to inspect and copy public records. Which is more important, the individual's right to privacy or the right to know?

There is a body of case law where Montana courts have done a balancing act between the two sections and decided which is more important in specific instances. These existing cases can be used to provide guidance. Also, it is sometimes possible to provide the information a citizen seeks without allowing the person to look at the confidential portions of the records. This can be done by looking at the records yourself and providing a verbal response to the citizen, or by photocopying and blocking out the confidential information before allowing the citizen to see the document(s).

When in doubt about whether something is confidential and or whether you have to allow access, consult your lawyer.

Stopping scheduled destruction of records when a law suit is filed

When a law suit is filed, it is very important that *you* stop the destruction of records that might be pertinent to the law suit, even if the records have already meet their scheduled retention period. If you continue with the destruction, it may *appear* to a judge that you intentionally disposed of records that could be needed in the law suit. If the judge thinks you intentionally destroyed records, your local government entity could be sanctioned.

If your local government is presented with a subpoena:

- Immediately tell your lawyer,
- Get an explanation from the lawyer about what is involved in the case so you know what records should not be destroyed and so you can help advise the lawyer about what records exist,
- Coordinate with your lawyer about what records are needed and when.

Signatures Page

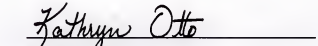
County Clerk and Recorder Schedule

The undersigned members of the Montana Local Government Records Committee approve of the following Records Retention and Disposition Schedule:

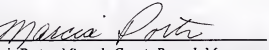
Peggy Bourne, *Great Falls City Clerk*

Edward Eaton, *State Records Manager*

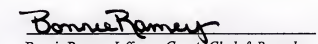
Lorin E. Flesjer, *Dept. of Commerce*



Kathryn Otto, *State Archivist*



Marcia Porter, *Missoula County Records Management*



Bonnie Ramey, *Jefferson County Clerk & Recorder*

Lorraine Van Ausdol, *Gallatin County Clerk of District Court*

Approved: August 1996

DEPARTMENT: COUNTY CLERK AND RECORDER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
1.	9-1-1 MISCELLANEOUS RECORDS & SAFETY SUPPORT SYSTEM: Records filed with the Clerk and Recorder. 9-1-1 has a separate retention schedule for records kept in their office.	Filed.	Permanent
2.	ABSTRACTS: See Mortgages		
3.	AFFIDAVITS TO CERTIFICATES OF SURVEY OR PLATS: A document that shows changes or corrections to a plat or certificate of survey.	Filed. May microfilm for security and research.	Permanent
4.	AGRICULTURAL CLASSIFICATION APPLICATIONS		Permanent
5.	ANNEXATION : a. Petition- Contains signatures of land owners for or against annexation. b. All other documents pertaining to annexation	Filed.	a. Permanent b. Permanent
6.	APPOINTMENTS: Documents showing appointments of various county officers, giving name, date, term and oath of office	Filed. May be microfilmed	Permanent
7.	APPRAISALS: State Lands		MCA 7-4-2613 (13)
8.	ARTICLES OF INCORPORATION & ANNUAL STATEMENTS: a. Shows name of corporation, description and place of business, term, and names of applicants. b. Incorporation of local entities: see-Incorporation Papers/petitions	Filed. Paper-may be microfilmed. Historical value.	a. 25 years. See MCA 35-1-203 Currently filed in Secretary of State's office. Consult state Archivist before transferring to local historical society, museum, library. b. Permanent
9.	ASSESSMENT RECORDS: See CO. ASSESSOR Retention Schedule		
10.	ATTACHMENTS / WRITS & INDEX: Transcripts of judgments that by law are made liens upon real estate.	Filed.	Permanent MCA 7-4-2613 (17)
11.	AUDIT REPORTS: See ACCOUNTING / FINANCIAL retention schedules	Filed.	

* Final report received by County Commissioners FOR RECORD DISPOSAL SEE MCA 2-6-403
SEE MCA 7-4-2635 FOR RECORD PRESERVATION (Budgetary Accounting and Reporting System fund code # 2393)
DATE: 8-12-1996

DEPARTMENT: COUNTY CLERK AND RECORDER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
12.	BANKRUPTCY MATTERS: Many different types, refer to MCA's	Filed or Recorded	Permanent
13.	BIDS: BANKING, MAINTENANCE, MISCELLANEOUS, PHYSICIANS, POOR, PRINTING	Filed.	Term + 2 years
14.	BIDS: BRIDGES, ROADS, STRUCTURES: Bid sent to contractors specifying what materials required, time project completed, etc.	Filed. May microfilm for security and research	Awarded bid and specifications - Permanent or life of structure. All bids received Audit + 2* years.
15.	BILLS OF SALE : Document showing sale of real or personal property indexed by grantor/grantee. Shows legal description, date of transaction and recording information	Filed or recorded	Permanent
16.	BIRTHS : CONFIDENTIAL RESTRICTED ACCESS a. AFFIDAVITS: Notarized documents showing notarized proof of birth. b. CERTIFICATES: Certificate from health department c. REGISTER: Register showing names of parents and child, date of birth , etc. and birth certificate number d. CORRECTIONS: Letters or affidavits showing/requesting corrections in information on certificates. MCA 50-15-204	Filed. Vital Records and Statistics Bureau has primary copy.	Permanent See : MCA-7-4-2619 MCA 7-4-2613 (4) MCA 50-15-109 -114 MCA 50-15-203-206 MCA 50-15-304 **NEW CODES JAN-1996** 50-15-121-123
17.	BONDS / INDEX: a. Airport b. Bail c. Bridges / structures d. Community e. County f. Election g. Emergency h. Equipment i. General obligation j. Hazardous waste k. Indemnity l. Industrial m. Land n. Official o. Performance p. Property q. Register/ index r. Revenue s. School index t. Work place	Filed. May be microfilmed	See MCA 7-4-2613 a. Permanent b. Permanent c. Permanent -life of d. Permanent e. Permanent f. Term of office g. Permanent h. Permanent- life of i. Permanent j. Permanent k. Audit + 2 years* l. Permanent m. Permanent n. Permanent o. Permanent p. Permanent q. Permanent r. Permanent s. Permanent t. Permanent

* **Final report received by County Commissioners** **FOR RECORD DISPOSAL SEE MCA 2-6-403**
SEE MCA 7-4-2635 FOR RECORD PRESERVATION (Budgetary Accounting and Reporting System fund code # 2393)
DATE: 8-12-1996

DEPARTMENT: COUNTY CLERK AND RECORDER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
18.	BOUNDARY LINES : Records showing county splits to create new counties; townships; schools, districts; road districts.	Filed. May microfilm for security and research	Permanent
19.	BUDGETARY, ACCOUNTING, AND REPORTING SYSTEM: See ACCOUNTING / FINANCE RETENTION SCHEDULE	Filed. If on computer - may COM.	
20.	BUILDING PERMITS/ INSPECTIONS: Includes permits; maps, plans.	Filed. May microfilm for security and research	Permanent for life of structure
21.	BURIAL RECORDS/INDEX: a. Poor : May show name, cause of death, age , relatives b. Veterans: Shows name, branch of service, cause of death, where buried, which war or peacetime, mortuary, amount paid by county for Veterans who died in county, etc.	Filed. If on computer- COM. May be microfilmed, then may be transferred to local historical society or local genealogy society, with the approval of the Local Government Records Committee.	a. Permanent b. Permanent
22.	CANDIDATE FISCAL/FILING STATEMENT: Financial statement filed by candidates for elected positions disclosing contributions to campaign, etc.	Filed.	Term of office- See MCA 13-37-225
23.	CEMETERY RECORDS: May show - Owner, legal description of cemetery, codes, deed to lots, etc.	May microfilm	Permanent
24.	CENSUS REPORTS/MAPS		Permanent
25.	CERTIFICATE OF REDEMPTION: Redemption of property tax lien by the owner, the holder of an unrecorded or improperly recorded interest, the occupant of the property, or any interested party.	Filed.	Primary copy- Permanent Duplicate copy - Audit +1 year* See MCA 15-18-111-114
26.	CERTIFICATE OF SURVEY: Map of land. Show owner of original acreage, lot sizes, easements, dates, sanitary restriction approvals, surveyor, relocation of common boundaries, mortgage exemption.	Filed.	Permanent

* Final report received by County Commissioners

FOR RECORD DISPOSAL SEE MCA 2-6-403

SEE MCA 7-4-2635 FOR RECORD PRESERVATION (Budgetary Accounting and Reporting System fund code # 2393)

DATE: 8-12-1996

DEPARTMENT: COUNTY CLERK AND RECORDER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
27.	CLAIMS PAID: SEE ACCOUNTING/FINANCIAL RETENTION SCHEDULE		See MCA 7-5-2132
28.	COMMISSIONERS a. Journals/Proceedings: Contains minutes of business acted upon, budgets, general administration, appointments, resolutions; tax levies, etc. b. Tapes c. Transcripts	Filed. Usually books. May be on computer. May microfilm for security and research.	a. Permanent See MCA 7-4-2611; 7-5-2129-2130 b. & c. length determined by each entity. Take into account topic and possible litigation.
29.	CONDOMINIUMS: Plans/blueprints and related documents for condos. Show locations of each unit, legal documentation, covenants.	Recorded. May microfilm for security and research	Permanent for life of structure
30.	CONSERVATION EASEMENTS: Voluntary covenant of restriction of use of land for purpose of maintaining or enhancing natural or environmental aspect of the land.	Recorded. May microfilm for security and research.	Permanent
31.	CONTRACT FOR DEED/ NOTICE OF PURCHASERS INTEREST: Notice to public of sale of land by contract.	Recorded	Permanent
32.	CONTRACT NOTES: Supporting documentation pertaining to each contract.		Life + 2 years
33.	CONTRACTS & AGREEMENTS: a. Interlocal b. Intergovernmental		Life + 2 years
34.	CONTRACTS AND BONDS / LEASE PURCHASE AGREEMENTS: Agreement for purchase of : Vehicles, machinery, apparatus, appliances, equipment, materials or supplies; or construction , repair or maintenance of any building, road or bridge. Bonds: Security for completion of obligations.		Life + 2 years
35.	CORNER RECORDATION: Documents a survey mark by made by a surveyor.	Filed. May microfilm for security and research	Permanent MCA 70-22-104-109

* Final report received by County Commissioners **FOR RECORD DISPOSAL SEE MCA 2-6-403**

SEE MCA 7-4-2635 FOR RECORD PRESERVATION (Budgetary Accounting and Reporting System fund code # 2393)

DATE: 8-12-1996

DEPARTMENT: COUNTY CLERK AND RECORDER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
36.	CORONERS REGISTER: Shows if known: name of deceased , date, place, cause of death, coroner's name, etc.	May be microfilmed	Permanent
37.	CORRESPONDENCE: SEE- GENERAL SCHEDULES		
38.	DEATH CERTIFICATES: CONFIDENTIAL. RESTRICTED ACCESS. Issued from state to counties.	Filed.	Permanent : SEE MCA 7-4-2613 &7619 MCA 50-15-206 **NEW CODES Jan. 1, 1996:** 50-15-121-124
39.	DECLARATION OF OCCUPANCY / DECLATORY STATEMENTS / INDEXES: Declarations of land possessions, names land descriptions. (Prior to deeds)	Recorded. May mcrofilm for security and research	Permanent MCA 7-4-2613
40.	DEED EXHIBITS: Maps or associated documents for deeds.	Filed. May microfilm for security and reference	Permanent MCA 7-4-2613
41.	DEEDS: INDEXES & REGISTERS Includes: Warranty; quit claim; patented; homestead; bargain and sale; tax deed; declaration of occupancy; notice /application of tax deed; grant mining. Indexed by grantor/grantee. Shows legal description, date of transaction and recording. May show: restrictive covenants, easements, Certificate of Survey number, Plat name, acreage, block and lot number.	Recorded. May microfilm for security and reference	Permanent See MCA 7-4-2613
42.	DOG MATTERS: See Opinions & Resolutions	Filed	
43.	EASEMENTS: Provided for utility, drainage, vehicular or pedestrian access.	Recorded. May microfilm for security and research.	Permanent
44.	ELECTION RECORDS : See Election retention schedule from the Secretary of State's Office.		
45.	EXECUTIONS: Issued for enforcement of a judgment.		MCA 25-13-101-904

* **Final report received by County Commissioners** **FOR RECORD DISPOSAL SEE MCA 2-6-403**
SEE MCA 7-4-2635 FOR RECORD PRESERVATION (Budgetary Accounting and Reporting System fund code # 2393)
DATE: 8-12-1996

DEPARTMENT: COUNTY CLERK AND RECORDER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
46.	FARM AND RANCH CERTIFICATES/REGISTER/INDEX: Names , dates, place, description, title, certificate numbers.	Filed. May microfilm for security and research	Permanent
47.	FICTITIOUS NAMES: Names of individuals or business d/b/a doing business as.	Filed. May microfilm for security and research	Permanent
48.	FINANCIAL REPORTS/ AUDITS: See ACCOUNTING / FINANCIAL RETENTION SCHEDULE	Filed.	
49.	FINANCING STATEMENTS/ UCC'S & AFFIDAVITS: (Uniform Commercial Code) Same as: Chattel mortgages, Retail Installment Contracts, Unconditional Sales Contracts	Filed.	8 years after lapse or termination. See MCA 30-9-403,404,411
50.	FIRE DISTRICT RECORDS: a. Files b. Rosters	Filed.	a. 10 years after dissolution b. Permanent
51.	FIXED ASSET RECORDS: Inventory of County property and value.	Filed.	Life Audit + 1 year*
52.	FLOOD PLAIN RECORDS: Includes: Insurance , maps, permits.	Filed. May microfilm for security and research.	Permanent
53.	GAMBLING MATTERS: Resolutions/regulations pertaining to gambling.	Filed.	Permanent
54.	GRANTS: a. Federal b. Local c. Miscellaneous d. State	Filed	a. Determined on grant b. Audit +2 years* c. Audit + 2 years* d. Audit + 2 years*
55.	GRAZING DISTRICTS: See HERD DISTRICT	Filed	
56.	HAZARDOUS CHEMICAL INFORMATION: a. Index b. Inspections c. Materials Safety Data Sheets-MSDS	Filed. Currently filed with fire departments	a. & b. Senate Bill 452 (1985) c. If Recorded-Permanent

* Final report received by County Commissioners

FOR RECORD DISPOSAL SEE MCA 2-6-403

SEE MCA 7-4-2635 FOR RECORD PRESERVATION (Budgetary Accounting and Reporting System fund code # 2393)

DATE: 8-12-1996

DEPARTMENT: COUNTY CLERK AND RECORDER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
57.	HERD DISTRICT/GRAZING DISTRICTS: Shows land recorded as grazing land., names and area etc. a. Files b. Maps c. Petitions	Filed. May microfilm for security and research	Permanent
58.	HUD FILES: Housing and Urban Development: Includes Grants, Promissory notes.	Filed	Expiration + 5 years
59.	INCORPORATION PAPERS / PETITIONS: Documents pertaining to the incorporation of towns, cities, etc.	Filed May microfilm for security and research	Permanent
60.	INDIVIDUAL / SEPARATE PROPERTY OF MARRIED PERSONS: / INDEX : Property which is not jointly owned.	Recorded	Permanent MCA 7-4-2613 (20)
61.	INHERITANCE TAX RECORDS (INH) : Ownership of property by two or more persons having as one of the incidents of such ownership the right of survivorship in the surviving owner or owners upon the death of one of the owners.	Filed and/or recorded	Permanent
62.	INSPECTIONS: a. Safety b. Weights and measures	Filed	a. Permanent b. Permanent See MCA 7-21-3106
63.	INSURANCE POLICIES: a. County b. Employee Group	Filed	a. Expiration + 25 years b. Expiration + 25 years
64.	INTENT TO HOLD: Notice to public of inability to perform annual representation on mining claim but intent to hold claim.	Filed	Permanent
65.	JUDGES TRAIN CERTIFICATES/TRANSCRIPTS: A certificate of completion of a course of education and training prescribed by the commission. See MCA 3-1-1502	Filed	Term of office

* Final report received by County Commissioners **FOR RECORD DISPOSAL SEE MCA 2-6-403**

SEE MCA 7-4-2635 FOR RECORD PRESERVATION (**B**udgetary **A**ccounting and **R**eporting **S**ystem fund code # 2393)

DATE: 8-12-1996

DEPARTMENT: COUNTY CLERK AND RECORDER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
66.	JUSTICE OF THE PEACE DOCKETS: a. Pre 1920-volumes b. Post 1920 volumes	Historical value	a. Permanent b. 10 years Consult State Archivist before transferring to local museum, historical society, library.
67.	LAND / LOT / TRACT BOOKS: Trace ownership by legal description. May have maps. Shows Section, Township, Range, acreage, lot/block identification, book and page numbers where recorded.	May microfilm for security research .	Permanent
68.	LEASE RECORDS / INDEX: a. Oil , gas, mineral, timber b. Assignments c. Miscellaneous d . County	 a. Recorded b. Recorded c. Recorded d. Filed	See MCA 7-4-2619 7 a. Permanent b. Permanent c. Permanent d. Permanent
69.	LICENSES: a. Business b. Dog c. Register	Filed	a. Audit + 2 years* b. Audit + 2 years* c. 1 year after last entry + Audit +2 years. *
70.	LIENS: a. Federal Tax b. Local Government c. Mechanics d. Miscellaneous e. Notice of Right to Claim	Filed	8 years after canceled or lapsed
71.	LIS PENDENS: Shows cause of suit, names of parties, description of property involved, amount, dates.	Filed	Resolved + 8 years
72.	LOCAL NEWSPAPERS: May be kept for historic purposes. Check with the local newspaper office to see if they are microfilming them, and with the local historical society and state archives.		
73.	MEMORANDUMS: See GENERAL SCHEDULES RETENTION SCHEDULE.		

* Final report received by County Commissioners **FOR RECORD DISPOSAL SEE MCA 2-6-403**

SEE MCA 7-4-2635 FOR RECORD PRESERVATION (Budgetary Accounting and Reporting System fund code # 2393)

DATE: 8-12-1996

DEPARTMENT: COUNTY CLERK AND RECORDER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
74.	MILITARY DISCHARGE/ SERVICE RECORDS AND INDEX: Shows name branch of service, years served , rank, date of birth, place of birth, commendations, etc. May also be called DD214. May have related documents recorded with discharge papers.	Recorded May microfilm for security and reference	Permanent MCA 7-4-2614
75.	MINERAL BOOKS: Traces ownership of patented mining claims by legal description, usually by Section, Township, and Range.	May microfilm for security and reference	Permanent
76.	MINING RECORDS / INDEX: Includes Notice of Locations; Placer , Quartz, Surface, Applications, Annual reports, Intent to Hold, Locators Rights on Tribal Timber Land, Maps, Survey books, Permits, Millsites	Recorded May microfilm for security and reference	Permanent MCA 7-4-2613 #13 & 14
77.	MINUTES / INDEX: SEE GENERAL SCHEDULE a. Board b. Commissioners c. Other	Filed. May microfilm for security and research	a. Permanent b. Permanent c. See General Schedule
78.	MISCELLANEOUS FILING/ INDEX: May contain same items as MISCELLANEOUS RECORDS/ INDEX	Recorded	10 years. Analyze and retain items of continuing importance.
79.	MISCELLANEOUS RECORDS/INDEX: May contain: Power of attorney, military discharges, bids, bylaws, conservation easements, leases, restrictive covenants, petitions, fictitious names, attachments, easements, marriages, water rights, real property, etc. May be known as "SMALL" and "LARGE"	Recorded	Permanent- because of the variety of records
80.	MOBILE HOME-Intention to Transfer Title	Filed	5 years House Bill 160 (1985) See MCA 61-3-207
81.	MORTGAGE RECORD / INDEX: Real Property, includes: Abstracts, assignments, satisfactions, reconveyances. .	Recorded May microfilm for security and reference. If on computer , COM.	Permanent MCA 7-4-2619
82.	MUSEUMS: Documentation pertaining to establishment, operation and inventory.	Filed	Permanent

* **Final report received by County Commissioners** **FOR RECORD DISPOSAL SEE MCA 2-6-403**
SEE MCA 7-4-2635 FOR RECORD PRESERVATION (**B**udgetary **A**ccounting and **R**eporting **S**ystem fund code # 2393)
DATE: 8-12-1996

DEPARTMENT: COUNTY CLERK AND RECORDER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
83.	NOTARY COMMISSIONS: Certificate of Commission issued by Secretary of State	Filed See MCA 1-5-405	Permanent
84.	OBSOLETE RECORDS: See last page of this schedule		
85.	OATHS OF OFFICE: Oath of all elected or appointed officials.	Filed	Permanent MCA 7-4-101
86.	OPINIONS: See GENERAL SCHEDULES Correspondence -Official		Permanent
87.	ORDERS AND DECREES: Instrument or judgment affecting the title to or possession of real or personal property.	Recorded	Permanent
88.	PAYROLL DATA: See ACCOUNTING / FINANCIAL RETENTION SCHEDULE- Payroll Records		
89.	PERMITS: a. Geophysical b. Surface	Filed	 a. Permanent b. Permanent See MCA 82-1-105
90.	PEST CONTROL: Documents pertaining to creation of control districts or programs: a. Mosquito MCA 7-22-24 b. Rodent MCA 7-22-22 c. Agricultural Insect Pests MCA 80-7-503 d. Vertebrate pests MCA 7-22-25 e. Insect pests MCA 7-22-23	Filed. May microfilm for security and research.	Permanent
91.	PETITIONS: a. Maintenance b. Miscellaneous c. Road viewers reports . d. School district-annexation, boundary e. Special Districts f. Streets/roads/alleys - See Roads/ Streets/ Alleys g. Zoning	Filed. May microfilm for security and research.	 a. Per term of subject b. Per term of subject c. Permanent d. Permanent e. Permanent f. Permanent g. Permanent
92.	PHYSICIANS/ DENTISTS CERTIFICATES:	Filed	Permanent

* Final report received by County Commissioners **FOR RECORD DISPOSAL SEE MCA 2-6-403**
SEE MCA 7-4-2635 FOR RECORD PRESERVATION (Budgetary Accounting and Reporting System fund code # 2393)
DATE: 8-12-1996

DEPARTMENT: COUNTY CLERK AND RECORDER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
93.	PLANS: COUNTY- May include : a. Airport Master plan b. Civil Defense Emergency plan c. Industrial Park. d. Planning Board/ Interlocal agreement e. Project Management. f. Schools g. Urban Growth h. Utilities: sewer , lights, water	Filed. May microfilm for security and reference.	a. Permanent b. Until superseded c. Permanent d. Permanent e. Permanent f. Until superseded g. Until superseded h. Permanent
94.	PLATS/RELATED DOCUMENTS: Maps of platted subdivisions. Shows block and lots, parcels, streets, alleys, dedications, dimensions, original land owners, dates. Includes . Plat approval records (SPA); Plat checklist records (SAC)	Recorded May microfilm for security and reference.	Permanent
95.	POLICY STATEMENTS: See GENERAL SCHEDULES RETENTION SCHEDULE- Correspondence: Official	Filed	
96.	POWER OF ATTORNEY REGISTER /INDEX : Alphabetical listing of persons executing power of attorney and to whom powers are given.	Recorded	Permanent MCA 7-4-2619 (6)
97.	RANCH CLAIMS AND DITCH RECORDS:	Recorded	Permanent
98.	RECEIPTS: a. A101-Duplicate b. Certified Copy c. Counter d. Document e. Disbursement f. Miscellaneous		a. Audit +1* b. Audit +1* c. Audit +1* d. Audit +1* e. Audit +1* f. Audit +1*
99.	RECEPTION AND FEE RECORD/INDEX: May be called Year Book, Reception Book: Register and index of all documents recorded. Shows names, type of document, legal description, fee charged, document number, if returned, who returned to.	May microfilm for security and research. If on computer, may be put on COM	Permanent

* Final report received by County Commissioners **FOR RECORD DISPOSAL SEE MCA 2-6-403**

SEE MCA 7-4-2635 FOR RECORD PRESERVATION (Budgetary Accounting and Reporting System fund code # 2393)

DATE: 8-12-1996

DEPARTMENT: COUNTY CLERK AND RECORDER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
100.	REDEMPTION NOTICES / RECORDS : Notice that delinquent taxes owing have been paid by a party with a recorded interest in the property.	Filed-Duplicates	Audit +1*
101.	RESOLUTIONS: a. City b. County c. School d. Miscellaneous	Filed. May microfilm for security and reference.	 a. Permanent b. Permanent c. Permanent d. Permanent
102.	ROAD / STREET / ALLEY / BRIDGE RECORDS: Includes petitions/orders to create, open, close or vacate any/all county roads; road viewers reports, and field notes.	Filed May microfilm for security and research	Permanent
103.	SEWER / SEPTIC PERMITS: a. Application b. Maps c. Permits d. Plans	Filed May microfilm for security and research	 a. Permanent b. Permanent c. Permanent d. Permanent
104.	SHERIFF CERTIFICATE OF SALE / REDEMPTIONS: Notice to public that property has been sold at auction by County Sheriff. May be redeemed within 1 year.	Filed	10 years MCA 25-13-7&8
105.	STATE BOARD OF EQUALIZATION REPORTS: Statement sent to each county in which state has real property in excess of 6% of the total land area of one county and from which the state derives grazing, agricultural , or forest income. Contains total acreage owned by state and lists acres separately by use type.	Filed	25 years See MCA 77-1-501
106.	STUDY COMMISSION: See General Schedules Task Force a. Minutes b. Reports	Filed	Permanent
107.	TAX DEED : a. Books b. Notices c. Records d. Sales Certificate-Sheriff	Recorded	 a. Permanent b. Permanent c. Permanent d. 10 years

* Final report received by County Commissioners FOR RECORD DISPOSAL SEE MCA 2-6-403

SEE MCA 7-4-2635 FOR RECORD PRESERVATION (Budgetary Accounting and Reporting System fund code # 2393)

DATE: 8-12-1996

DEPARTMENT: COUNTY CLERK AND RECORDER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
108.	TAX RECEIPT- REAL ESTATE -PAID See TREASURER RETENTION SCHEDULE		
109.	TAX SALE CERTIFICATES- A certificate/list offering for sale by County Treasurer of property tax lien representing delinquent taxes including penalties, interests, and costs.	Filed	Primary copy 10 years Duplicate copy Audit + 1 year*
110.	TOWNSITES / TOWN PLATS / TOWN LOTS: May show : Applications for deeds for towns , property owners, land descriptions, plats with lots & blocks.	May microfilm for security and research.	Permanent
111.	URBAN TRANSPORTATION RECORDS: See Contract and Agreements	Filed	Permanent or life of contract or agreement
112.	VACATING STREETS/ ROADS/ ALLEYS- See ROADS		
113.	WATER RIGHT RECORDS / INDEXES: All water right records, including: surface, well, irrigation, ditches.	Recorded and/or filed. May microfilm for security and research	Permanent MCA 7-4-2613 (11) MCA 7-4-2615
114.	ZONING /ZONING DISTRICT RECORDS:	Filed	Permanent

* Final report received by County Commissioners FOR RECORD DISPOSAL SEE MCA 2-6-403
SEE MCA 7-4-2635 FOR RECORD PRESERVATION (Budgetary Accounting and Reporting System fund code # 2393)
DATE: 8-12-1996

DEPARTMENT: COUNTY CLERK AND RECORDER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME

DISCONTINUED, INACTIVE , OR OBSOLETE RECORDS WHICH ARE NOT ON AN OFFICE SCHEDULE OR COVERED BY A STATUTE

Many of these have historical value , and should be retained for research. Consult with the State Archivist before transferring to local historical society, museum, library, or genealogy society. Examples of titles and types of records include:

1. Bargain & Sale Record
2. Beer Act- 1933- lifting Prohibition . Licenses issued
3. Bounty records- Affidavits for killing of livestock destroying animals. Shows Name, date, type and number animals killed
4. Cattle/Horse Brand Inspections
5. CCC- Civilian Conservation Files
6. Communicable Diseases Record
7. Dental/Medical License Register
8. Farm/ Ranch name register
9. Indictment Record Books-Gives name of defended, charge, warrant.
10. Jail Book of Boarders- not inmates
11. Military registration rolls/Conscription
12. Montana Relief Commission Project Register
13. Mothers Pensions
14. Motions Picture/ Film/Photos
15. Newspapers
16. NYA Files - National Youth Administration (1935-1943)
17. Old Age Pensions
18. Pest Control Records
19. Photographs
20. Poll tax
21. Poor Farm/House /Hospital records
22. Register of Stallions
23. Resignations
24. Scrapbooks- May have elections returns, public notice, newspaper clippings, etc.
25. Trade Stimulator Tax Receipts
26. Unfinished business Receipts
27. War Risk Insurance
28. Widows and Orphans
29. WPA files- Works Progress Administration

FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE 8-12-1996

Schedule No. 1

Montana Local Government
Records Committee

General Records Schedule

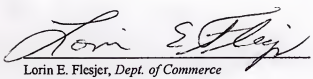
Signatures Page

General Records Schedule

The undersigned members of the Montana Local Government Records Committee approve of the following Records Retention and Disposition Schedule:

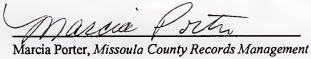
Peggy Bourne, *Great Falls City Clerk*

Edward Eaton, *State Records Manager*



Lorin E. Flesjer, *Dept. of Commerce*

Kathryn Otto, *State Archivist*



Marcia Porter, *Missoula County Records Management*

Bonnie Ramey, *Jefferson County Clerk & Recorder*

Lorraine Van Ausdol, *Gallatin County Clerk of District Court*

Approved: August 1996

DEPARTMENT: COUNTY GENERAL SCHEDULES (apply to all offices)

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
	RETENTION SCHEDULE APPLIES REGARDLESS OF FORMAT OF RECORD. SEE MCA 2-6-401 (2)		
1.	CORRESPONDENCE: GENERAL Includes routine incoming and outgoing correspondence, memoranda, E-mail, etc. which do not serve an accountability function, such as documenting decision-making, policy, or agency operations: examples include routine inquires and answers from the public which require no administrative action, no policy decision, and no special compilation or research for reply, e.g. requests for general information or publication, cover/transmittal letters which do not add information to that contained in the transmitted material, information copies of correspondence on which no documented administrative action was taken, acknowledgments, memoranda and correspondence generated by another agency and kept by the office for reference purposes, thank you letters, congratulations, quasi-official notices, such as notices of holidays, charity appeals, etc.		Review annually and destroy when no longer needed.
2.	CORRESPONDENCE: OFFICIAL Includes incoming and outgoing correspondence, memoranda, E-mail, and legal opinions, which document how the office is organized and how it functions; its pattern of action, policies, procedures, and achievements, and which serve to substantiate the accountability of the office.		Permanent. Consult State Archivist before transferring to local historical society, museum, or library.
3.	CORRESPONDENCE: READING FILES Copies of outgoing communications arranged chronologically and maintained for periodic review by staff; these copies are in addition to copies kept in either the Official Correspondence or the General Correspondence		Retain until no longer needed.
4.	CORRESPONDENCE: SUSPENSE / TICKLER / FOLLOW-UP FILES Files arranged in chronological order as a reminder that an action is required on a given date or that a reply to action has not been received, should be traced on a given day.		Incorporate into Official Correspondence if appropriate. If not, destroy after action has been taken.
5.	MINUTES OF MEETINGS: a. Staff b. Board or Committee	May be microfilmed.	a. Until outdated b. Permanent
6.	NON-RECORD MATERIAL: Duplicate copies of other documents retained only for convenience, outdated blank forms, routing slips which do not contain annotations of significance. Personal correspondence of a solely personal nature kept at the office for convenience-keep this in a separate file.		May be destroyed when no longer needed.

FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8-8-1996

DEPARTMENT: COUNTY GENERAL SCHEDULES (apply to all offices)

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
7.	REFERENCE FILES: Copies of documents retained strictly for reference and informational purposes and are not part of the official files. These include copies of reports, studies, special compilations of data, drawings, or other externally generated publications for which the originating agency maintains the original "record" copy, periodicals, books, clippings, brochures, catalogs, trade journals, vendor price lists, extra copies of manuals, publications etc.		Review annually and destroy material of no further use.
8.	SUBJECT FILES: ADMINISTRATIVE / OFFICIAL Arranged by subject, these may contain correspondence, memoranda, minutes, reports, etc., concerning policy, procedure, organization, programs, fiscal or personnel matters, legislation and regulations.	Select and retain documents of continuing administrative, fiscal, legal, or research use. May be microfilmed.	Permanent
9.	SUBJECT FILES: GENERAL May include correspondence, memoranda, publications, reports, and other information received by the office and filed by subject which DO NOT pertain to the performance of the mission functions of the office. Examples include documents concerning internal office procedures, hours of duty, individual duties which do not have continuing applicability, documents concerning housekeeping activities such as participation in charitable affairs, emergency tests, office security, parking, safety, excess or obsolete forms, property inventory sheets, lists or directories, phone logs, clippings, etc.		Review annually and destroy when no longer needed.
10.	TASK FORCE OR COMMITTEE FILES: Records relating to the establishment, organization, membership, and policy of any task forces or committees for which the office is the presiding official or the logical keeper of the records. These records may include minutes, agenda of meetings, correspondence, policies, procedures, final reports and other relevant supporting material.	May be microfilmed.	Permanent
11.	WORKING PAPERS / PROJECT FILES: Project background records, studies, analyses, notes, preliminary drafts, interim reports, which have been summarized in a final report or other form; does not include construction projects.		Final report - Permanent Working papers- 1 year after final action is taken on project, unless no report is prepared, then keep permanently.

FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8-8-1996

Appendix

Request and Authorization for Records Disposal

MONTANA LOCAL GOVERNMENT RECORDS COMMITTEE
Local Government Records Destruction Subcommittee

REQUEST AND AUTHORIZATION FOR RECORDS DISPOSAL

FROM:

TO: Montana Local Government Records Committee
C/O Dept. Of Commerce, Local Government Services
1424 Ninth Ave.
P.O. Box 200501
Helena MT 59620-0501

Authorization is hereby requested for the disposal of the following records under the provisions contained in 2-6-403, Montana Code Annotated

DESCRIPTION OF RECORDS (include case no. or other identifying numbers)	INCLUSIVE DATES FROM TO	APPROVE YES	APPROVE NO	COMMENTS
Example: District Court Civil Files No D79-130	19790101 19800630 (yyyymmdd yyyymmdd)	✓		Microfilmed

Authorization is granted on the express condition that all the fiscal records involved have been audited and the audit approved, or such records are not required for future audit, and that all of the records listed have ceased to have sufficient additional value to warrant future retention.

ORDERED BY		APPROVED BY	
Judge, or Chair of Board of Trustees/ Commissioners	Date	Local Government Records Destruction Subcommittee Member	Date
Records Custodian	Date	Local Government Records Destruction Subcommittee Member	Date

DESCRIPTION OF RECORDS (include case number or other identifying numbers)	INCLUSIVE DATES FROM TO (yyyymmdd yyymmdd)	APPROVE YES ✓	APPROVE NO ✓	COMMENTS

Schedule No. 3

Montana Local Government
Records Committee

STATE DOCUMENTS COLLECTION

JAN 25 2001

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

Election Records Schedule

Introduction

About This Book

Why schedules?

We have created these schedules to help you fulfill your recordkeeping responsibilities. Records retention and disposition schedules help you manage your records systematically by specifying how long,where, and in what format they will be kept and what their final disposition will be.

The Local Government Records Committee, with help from local records custodians, appraised the records and prepared the records retention and disposition schedules. The scheduling process is ongoing and involves close cooperation among local records custodians, local government officials, and state government agencies whose policies and procedures affect local government records or who have the expertise to provide valuable assistance. If you have suggestions to make about the schedules—changes, additions, questions—please contact the Local Government Records Committee.

What schedules include

Every record series listed on a schedule includes a title (and variant titles if needed for identification), a brief description of the record series' function and its contents (if necessary), a retention period (the length of time the record must be maintained in the office, and, in some cases, the length of time it can be kept in inactive storage somewhere other than the office), and a final disposition.

General schedules are designed for categories of records that many offices have in common, for example, correspondence and subject files. The Local Government Records Committee also produces specific schedules designed for specific offices.

Authority

MCA 2-6-402 & 2-6-403

In 1993 the State Legislature created a Local Government Records Committee to "approve, modify, or disapprove proposals for local government records retention and disposition schedules."

The Committee also can approve or disapprove requests to dispose of or destroy records; establish categories of records for which a disposal request is not required; respond to requests for technical advice on matters relating to local government records; and provide leadership and coordination in matters affecting the records of multiple local governments.

The Committee is composed of the State Archivist, the State Records Manager, an auditor from the Local Government Services Bureau in the Dept. of Commerce, plus four appointed local records custodians.

Disposition approval

An important component of any records management program is the disposition of records that have reached their prescribed retention period. The legislation established a Destruction Subcommittee to approve the disposal of local government records. The Subcommittee is composed of the State Archivist and an auditor from the Dept. of Commerce. The auditor is concerned with records that need to be saved for audit purposes and the State Archivist is interested in preserving records that have ongoing administrative, legal, or research value.

Please see the Appendix for a copy of the "Request and Authorization for Records Disposal" form. It is provided for your convenience, although you may prefer to submit your own computer printout or simply a letter giving the records series title and dates of the records you want to dispose of.

The State Archives also was given authority to accept transfers of records that local governments may no longer have room to store themselves. You may want to consider depositing your records with your local library, museum, or historical society. If you decide to deposit them locally, please contact the State Archivist for a deposit agreement form.

Definitions

Local government

As defined in 2-6-401, a local government means:

- any city, town, county, consolidated city-county, or school district;
- any subdivision of an entity named above.

Public records

Quoting from 2-6-401, a public record includes "any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including all copies of the records, *regardless of physical form or characteristics*, that has been made or received by any local government, in connection with the transaction of official business, and preserved for informational value or as evidence of a transaction and all other records or documents required by law to be filed with or kept by any local government in the state of Montana."

Records schedule

A records schedule—or records retention and disposition schedule—is a document providing minimum periods of time records must be retained and instructions for what to do with records no longer needed for current government business.

Disposition

Disposition is the actions taken regarding records no longer needed for current government business, including:

- transfer to a storage facility,
- transfer from one department or government entity to another,
- transfer of permanent records to an archives, and
- destruction of temporary records.

Destruction

Methods of destroying records include:

- burning, pulping, shredding, macerating, burial,
- disgarding with other waste materials, and
- selling or salvaging the record medium (e.g., recycling).

Legal Considerations

Privacy versus the Right-to-Know

The Montana Constitution assures citizens of both the right to know (Section 9) and the right to privacy (Section 10). When it comes to public records, these two sections sometimes appear to be in conflict. In addition to the constitutional right to know, MCA 2-6-102 also provides citizens the right to inspect and copy public records. Which is more important, the individual's right to privacy or the right to know?

There is a body of case law where Montana courts have done a balancing act between the two sections and decided which is more important in specific instances. These existing cases can be used to provide guidance. Also, it is sometimes possible to provide the information a citizen seeks without allowing the person to look at the confidential portions of the records. This can be done by looking at the records yourself and providing a verbal response to the citizen, or by photocopying and blocking out the confidential information before allowing the citizen to see the document(s).

When in doubt about whether something is confidential and or whether you have to allow access, consult your lawyer.

Stopping scheduled destruction of records when a law suit is filed

When a law suit is filed, it is very important that *you* stop the destruction of records that might be pertinent to the law suit, even if the records have already meet their scheduled retention period. If you continue with the destruction, it may *appear* to a judge that you intentionally disposed of records that could be needed in the law suit. If the judge thinks you intentionally destroyed records, your local government entity could be sanctioned.

If your local government is presented with a subpoena:

- Immediately tell your lawyer,
- Get an explanation from the lawyer about what is involved in the case so you know what records should not be destroyed and so you can help advise the lawyer about what records exist,
- Coordinate with your lawyer about what records are needed and when.

Signatures Page

Election Records Schedule

The undersigned members of the Montana Local Government Records Committee, and the Secretary of State, approve of the following Records Retention and Disposition Schedule:

Mike Cooney, *Secretary of State*

Peggy Bourne, *City of Great Falls*

Edward Eaton, *State Records Manager*

Marcia Porter, *Missoula County*

Lorin E. Flesjer, *Dept. of Commerce*

Bonnie Ramey, *Jefferson County*

Kathryn Otto, *State Archivist*

Lorraine Van Ausdol, *Gallatin County*

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: ELECTIONS

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
1.	ABSENTEE BALLOT LOGS		4 years see MCA 13-13-233
2.	BALLOTS -COUNTY AND LOCAL GOVERNMENT		1 year if no recount is pending * see MCA 13-1-303
3.	BALLOTS -STATE AND DISTRICT		2 years* (federal law)
4.	CANDIDATE FILING SHEETS OR PETITIONS		Terms of office
5.	CANDIDATES- REGISTER OF		4 years
6.	CANVASS BOOKS -OFFICIAL COUNTY		Permanent
7.	PETITIONS- LOCAL	Originals	8 years
8.	PETITIONS- STATEWIDE	Copies	3 months after election** see MCA 13-27-305
9.	POLL AND TALLY BOOKS		4 years
10.	PRECINCT REGISTERS		4 years
11.	REGISTRATION CARDS	Microfilm if possible	Permanent- Original and latest change of address or cancellation

* In addition to retaining the ballots, you will need to keep any electronic device or related software necessary to read the ballots. For example, if you use a ballot that does not have the names of the candidates printed directly on the ballot, but use an electronic counting board to do the canvass, you need to save the counting board. You will need to retain anything necessary to run a recount.

** Unless a court action is pending on the sufficiency of the petition.

FOR RECORD DISPOSAL SEE MCA 2-6-403

Date: 8-12-1996

Schedule No. 1

Montana Local Government
Records Committee

General Records Schedule

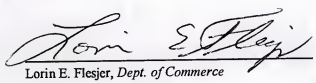
Signatures Page

General Records Schedule

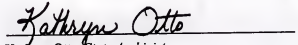
The undersigned members of the Montana Local Government Records Committee approve of the following Records Retention and Disposition Schedule:

Peggy Bourne, *Great Falls City Clerk*

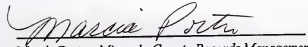
Edward Eaton, *State Records Manager*



Lorin E. Flesjer, *Dept. of Commerce*

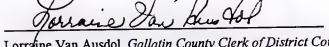


Kathryn Otto, *State Archivist*



Marcia Porter, *Missoula County Records Management*

Bonnie Ramey, *Jefferson County Clerk & Recorder*



Lorraine Van Ausdol, *Gallatin County Clerk of District Court*

Approved: August 1996

DEPARTMENT: COUNTY GENERAL SCHEDULES (apply to all offices)

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
RETENTION SCHEDULE APPLIES REGARDLESS OF FORMAT OF RECORD. SEE MCA 2-6-401 (2)			
1.	CORRESPONDENCE: GENERAL Includes routine incoming and outgoing correspondence, memoranda, E-mail, etc. which do not serve an accountability function, such as documenting decision-making, policy, or agency operations: examples include routine inquires and answers from the public which require no administrative action, no policy decision, and no special compilation or research for reply, e.g. requests for general information or publication, cover/transmittal letters which do not add information to that contained in the transmitted material, information copies of correspondence on which no documented administrative action was taken, acknowledgments, memoranda and correspondence generated by another agency and kept by the office for reference purposes, thank you letters, congratulations, quasi-official notices, such as notices of holidays, charity appeals, etc.		Review annually and destroy when no longer needed.
2.	CORRESPONDENCE: OFFICIAL Includes incoming and outgoing correspondence, memoranda, E-mail, and legal opinions, which document how the office is organized and how it functions; its pattern of action, policies, procedures, and achievements, and which serve to substantiate the accountability of the office.		Permanent. Consult State Archivist before transferring to local historical society, museum, or library.
3.	CORRESPONDENCE: READING FILES Copies of outgoing communications arranged chronologically and maintained for periodic review by staff; these copies are in addition to copies kept in either the Official Correspondence or the General Correspondence		Retain until no longer needed.
4.	CORRESPONDENCE: SUSPENSE / TICKLER / FOLLOW-UP FILES Files arranged in chronological order as a reminder that an action is required on a given date or that a reply to action has not been received, should be traced on a given day.		Incorporate into Official Correspondence if appropriate. If not, destroy after action has been taken.
5.	MINUTES OF MEETINGS: a. Staff b. Board or Committee	May be microfilmed.	a. Until outdated b. Permanent
6.	NON-RECORD MATERIAL: Duplicate copies of other documents retained only for convenience, outdated blank forms, routing slips which do not contain annotations of significance. Personal correspondence of a solely personal nature kept at the office for convenience-keep this in a separate file.		May be destroyed when no longer needed.

FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8-8-1996

DEPARTMENT: COUNTY GENERAL SCHEDULES (apply to all offices)

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
7.	REFERENCE FILES: Copies of documents retained strictly for reference and informational purposes and are not part of the official files. These include copies of reports, studies, special compilations of data, drawings, or other externally generated publications for which the originating agency maintains the original "record" copy, periodicals, books, clippings, brochures, catalogs, trade journals, vendor price lists, extra copies of manuals, publications etc.		Review annually and destroy material of no further use.
8.	SUBJECT FILES: ADMINISTRATIVE / OFFICIAL Arranged by subject, these may contain correspondence, memoranda, minutes, reports, etc., concerning policy, procedure, organization, programs, fiscal or personnel matters, legislation and regulations.	Select and retain documents of continuing administrative, fiscal, legal, or research use. May be microfilmed.	Permanent
9.	SUBJECT FILES: GENERAL May include correspondence, memoranda, publications, reports, and other information received by the office and filed by subject which DO NOT pertain to the performance of the mission functions of the office. Examples include documents concerning internal office procedures, hours of duty, individual duties which do not have continuing applicability, documents concerning housekeeping activities such as participation in charitable affairs, emergency tests, office security, parking, safety, excess or obsolete forms, property inventory sheets, lists or directories, phone logs, clippings, etc.		Review annually and destroy when no longer needed.
10.	TASK FORCE OR COMMITTEE FILES: Records relating to the establishment, organization, membership, and policy of any task forces or committees for which the office is the presiding official or the logical keeper of the records. These records may include minutes, agenda of meetings, correspondence, policies, procedures, final reports and other relevant supporting material.	May be microfilmed.	Permanent
11.	WORKING PAPERS / PROJECT FILES: Project background records, studies, analyses, notes, preliminary drafts, interim reports, which have been summarized in a final report or other form; does not include construction projects.		Final report - Permanent Working papers- 1 year after final action is taken on project, unless no report is prepared, then keep permanently.

FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8-8-1996

Appendix

Request and Authorization for Records Disposal

MONTANA LOCAL GOVERNMENT RECORDS COMMITTEE
Local Government Records Destruction Subcommittee

REQUEST AND AUTHORIZATION FOR RECORDS DISPOSAL

FROM:

TO: Montana Local Government Records Committee
C/O Dept. Of Commerce, Local Government Services
1424 Ninth Ave.
P.O. Box 200501
Helena MT 59620-0501

Authorization is hereby requested for the disposal of the following records under the provisions contained in 2-6-403, Montana Code Annotated

DESCRIPTION OF RECORDS (include case no. or other identifying numbers)	INCLUSIVE DATES FROM TO	APPROVE YES	APPROVE NO	COMMENTS
Example: District Court Civil Files No D79-130	19790101 19800630 (yyyymmdd yyyymmdd)	✓		Microfilmed

Authorization is granted on the express condition that all the fiscal records involved have been audited and the audit approved, or such records are not required for future audit, and that all of the records listed have ceased to have sufficient additional value to warrant future retention.

ORDERED BY		APPROVED BY	
Judge, or Chair of Board of Trustees/ Commissioners	Date	Local Government Records Destruction Subcommittee Member	Date
Records Custodian	Date	Local Government Records Destruction Subcommittee Member	Date

DESCRIPTION OF RECORDS (include case number or other identifying numbers)	INCLUSIVE DATES FROM TO (yyyymmdd yyymmdd)	APPROVE YES ✓	APPROVE NO ✓	COMMENTS

Schedule No. 4

Montana Local Government
Records Committee

STATE DOCUMENTS COLLECTION

JAN 2 5 2001

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

County Treasurer Records Schedule

Introduction

About This Book

Why schedules?

We have created these schedules to help you fulfill your recordkeeping responsibilities. Records retention and disposition schedules help you manage your records systematically by specifying how long,where, and in what format they will be kept and what their final disposition will be.

The Local Government Records Committee, with help from local records custodians, appraised the records and prepared the records retention and disposition schedules. The scheduling process is ongoing and involves close cooperation among local records custodians, local government officials, and state government agencies whose policies and procedures affect local government records or who have the expertise to provide valuable assistance. If you have suggestions to make about the schedules—changes, additions, questions—please contact the Local Government Records Committee.

What schedules include

Every record series listed on a schedule includes a title (and variant titles if needed for identification), a brief description of the record series' function and its contents (if necessary), a retention period (the length of time the record must be maintained in the office, and, in some cases, the length of time it can be kept in inactive storage somewhere other than the office), and a final disposition.

General schedules are designed for categories of records that many offices have in common, for example, correspondence and subject files. The Local Government Records Committee also produces specific schedules designed for specific offices.

Authority

MCA 2-6-402 & 2-6-403

In 1993 the State Legislature created a Local Government Records Committee to "approve, modify, or disapprove proposals for local government records retention and disposition schedules."

The Committee also can approve or disapprove requests to dispose of or destroy records; establish categories of records for which a disposal request is not required; respond to requests for technical advice on matters relating to local government records; and provide leadership and coordination in matters affecting the records of multiple local governments.

The Committee is composed of the State Archivist, the State Records Manager, an auditor from the Local Government Services Bureau in the Dept. of Commerce, plus four appointed local records custodians.

Disposition approval

An important component of any records management program is the disposition of records that have reached their prescribed retention period. The legislation established a Destruction Subcommittee to approve the disposal of local government records. The Subcommittee is composed of the State Archivist and an auditor from the Dept. of Commerce. The auditor is concerned with records that need to be saved for audit purposes and the State Archivist is interested in preserving records that have ongoing administrative, legal, or research value.

Please see the Appendix for a copy of the "Request and Authorization for Records Disposal" form. It is provided for your convenience, although you may prefer to submit your own computer printout or simply a letter giving the records series title and dates of the records you want to dispose of.

The State Archives also was given authority to accept transfers of records that local governments may no longer have room to store themselves. You may want to consider depositing your records with your local library, museum, or historical society. If you decide to deposit them locally, please contact the State Archivist for a deposit agreement form.

Definitions

Local government

As defined in 2-6-401, a local government means:

- any city, town, county, consolidated city-county, or school district;
- any subdivision of an entity named above.

Public records

Quoting from 2-6-401, a public record includes "any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including all copies of the records, *regardless of physical form or characteristics*, that has been made or received by any local government, in connection with the transaction of official business, and preserved for informational value or as evidence of a transaction and all other records or documents required by law to be filed with or kept by any local government in the state of Montana."

Records schedule

A records schedule—or records retention and disposition schedule—is a document providing minimum periods of time records must be retained and instructions for what to do with records no longer needed for current government business.

Disposition

Disposition is the actions taken regarding records no longer needed for current government business, including:

- transfer to a storage facility,
- transfer from one department or government entity to another,
- transfer of permanent records to an archives, and
- destruction of temporary records.

Destruction

Methods of destroying records include:

- burning, pulping, shredding, macerating, burial,
- disgarding with other waste materials, and
- selling or salvaging the record medium (e.g., recycling).

Legal Considerations

Privacy versus the Right-to-Know

The Montana Constitution assures citizens of both the right to know (Section 9) and the right to privacy (Section 10). When it comes to public records, these two sections sometimes appear to be in conflict. In addition to the constitutional right to know, MCA 2-6-102 also provides citizens the right to inspect and copy public records. Which is more important, the individual's right to privacy or the right to know?

There is a body of case law where Montana courts have done a balancing act between the two sections and decided which is more important in specific instances. These existing cases can be used to provide guidance. Also, it is sometimes possible to provide the information a citizen seeks without allowing the person to look at the confidential portions of the records. This can be done by looking at the records yourself and providing a verbal response to the citizen, or by photocopying and blocking out the confidential information before allowing the citizen to see the document(s).

When in doubt about whether something is confidential and or whether you have to allow access, consult your lawyer.

Stopping scheduled destruction of records when a law suit is filed

When a law suit is filed, it is very important that *you* stop the destruction of records that might be pertinent to the law suit, even if the records have already meet their scheduled retention period. If you continue with the destruction, it may *appear* to a judge that you intentionally disposed of records that could be needed in the law suit. If the judge thinks you intentionally destroyed records, your local government entity could be sanctioned.

If your local government is presented with a subpoena:

- Immediately tell your lawyer,
- Get an explanation from the lawyer about what is involved in the case so you know what records should not be destroyed and so you can help advise the lawyer about what records exist,
- Coordinate with your lawyer about what records are needed and when.

Signatures Page

County Treasurer Schedule

The undersigned members of the Montana Local Government Records Committee approve of the following Records Retention and Disposition Schedule:

Peggy Bourne, *Great Falls City Clerk*

Edward Eaton, *State Records Manager*

Lorin E. Flesjer, *Dept. of Commerce*

Kathryn Otto, *State Archivist*

Marcia Porter, *Missoula County Records Management*

Bonnie Ramey, *Jefferson County Clerk & Recorder*

Lorraine Van Ausdol, *Gallatin County Clerk of District Court*

Approved: August 1996

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: **COUNTY TREASURER**

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
1.	A100 SERIES RECEIPTS BOOKS: a. A101- Miscellaneous receipt book for receipting cash & checks received. Includes real estate, but that is noted on statement, including monies from federal or state b. A103- c. A104- Property deed d. A120-Inheritance tax receipt	If on computer, may be put on COM	All 30 years
2.	A101 MONTHLY REPORT		Audit + 2 years*
3.	ABATEMENTS: a. Real Estate b. Personal Property	May be put on COM	30 years see MCA 15-1-104 a. 10 years* b. 10 years*
4.	ASSESSMENT/ TAX ROLL/LIST: a. Real Estate b. Personal Property and mobile homes	May be put on COM	 a. Permanent b. 10 years*
5.	ASSIGNMENTS: a. Personal Property b. Real Estate	May be put on COM	All 30 years see MCA 15-1-104
6.	BALANCE SHEETS-DAILY: In some counties may be by individual clerk. a. Daily b. Journal		 a. Audit + 1 year* b. Audit + 1 year*
7.	BANK STATEMENTS		8 years*
8.	BANKRUPTCY MATTERS: a. County claims b. Individual		10 years after bankruptcy is settled.*
9.	BIDS ON INVESTMENT		Audit + 1 years*
10.	BOND REGISTERS: BUILDING ; SCHOOLS		8 years after paid*

* Final report received by County Commissioners and must be audited before disposal.

** Final report received by Supt. Schools

COM is Computer Output Microfilm

FOR RECORD DISPOSAL SEE MCA 2-6-403

DATE 8-12-1996

DEPARTMENT: **COUNTY TREASURER**

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
11.	CASH REPORT-TREASURERS MONTHLY: Detail cash report of county wide funds. All receipts and disbursements for each individual month.	May be put on COM or computer disk	Audit + 7 years*
12.	CERTIFICATE OF REGISTRATION: MOTOR VEHICLE		4 years* See MCA61-3-101 #6
13.	CHECK LIST FOR DAILY DEPOSIT All checks received from all departments.	Checks may be microfilmed for security and research	8 years*
14.	CHECK WRITE-OFF RECORD: OUTSTANDING CHECK LIST		Audit + 7 years*
15.	CHECKING ACCOUNT BANK BOOKS :		8 years*
16.	CITY COLLECTION REPORT: REPORT ISSUED BY COUNTY TO CITY TREASURERS REPORT-MONTHLY		Audit + 7 years*
17.	CITY SPECIALS: Delinquent city SID'S	Receipted on tax bill, final copy to city. If on computer, may be put on COM	30 years
18.	CORRESPONDENCE: Real estate and personal property		2 years
19.	COUNTY CONTRACT ON TAX DEED PROPERTY		Life of contract + 7 years
20.	DISTRIBUTION REPORT: DAILY OR MONTHLY	May be put on COM or computer.	Audit +1 fiscal year*
21.	HOMESTEAD TAX RELIEF SYSTEM		3 years*

*** Final report received by County Commissioners and must be audited before disposal.**
**** Final report received by Supt. Schools**

COM is Computer Output Microfilm

FOR RECORD DISPOSAL SEE MCA 2-6-403

DATE 8-12-1996

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: **COUNTY TREASURER**

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
22.	LICENSE: a. Business (Z), Itinerant, Liquor, Transient Retail, Vendor b. Dog c. Register		a. Audit + 2 years* b. Audit + 1 year* c. 1 year after last entry + Audit +2*
23.	MOBILE HOME MOVING DECLARATION		5 years*
24.	MOBILE HOME TAX NOTICE		10 years*
25.	MONTHLY REPORTS: Includes: Reconciliation , JP reports, Clerk and Recorder reports, Clerk of Court reports, Sheriff		Audit +7 years*
26.	MOTOR VEHICLE CERTIFICATE LIST		4 Years SEE MCA 61-3-101 #6*
27.	MOTOR VEHICLE CERTIFICATES		4 Years SEE MCA 61-3-101 #6*
28.	NOTICE FOR FILING- FEDERAL LAND BANK: Liens on personal property		2 years after payment*
29.	PAYMENTS UNDER PROTEST- Letters and receipts. Real estate and personal property. List		5 years*
30.	PERSONAL PROPERTY RECEIPTS	May be put on COM	10 years*
31.	PERSONAL PROPERTY CONTRACTS		Life of contract + 5 years
32.	PERSONAL PROPERTY COURT SUMMONS & DISMISSALS		10 years*
33.	PERSONAL PROPERTY DELINQUENCY NOTICES- Writ of execution		2 years*
34.	PERSONAL PROPERTY LEGAL DOCUMENTS		8 years*
35.	PERSONAL PROPERTY LIEN ON REAL ESTATE		5 years*

*** Final report received by County Commissioners and must be audited before disposal.**

**** Final report received by Supt. Schools**

COM is Computer Output Microfilm

FOR RECORD DISPOSAL SEE MCA 2-6-403

DATE 8-12-1996

DEPARTMENT: COUNTY TREASURER

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
36.	PERSONAL PROPERTY TAX RECEIPTS - MISCELLANEOUS: Paid if mobile home is moved, taxes are paid in advance for year.		10 years*
37.	PERSONAL PROPERTY TAX BILLS - RETURNED		2 years*
38.	PERSONAL PROPERTY TAX NOTICE		10 years*
39.	REAL ESTATE DELINQUENT TAX RECEIPT		30 years
40.	REAL ESTATE DELINQUENT TAX SALE NOTICE		5 years*
41.	REAL ESTATE DELINQUENT TAX SALE RECORD		10 years*
42.	REAL ESTATE DELINQUENT YEAR END TAX LIST	If on computer, may be put on COM	Audit + 2 years*
43.	REAL ESTATE TAX RECEIPTS	May microfilm for security and reference. If on computer, maybe put on COM	30 years see MCA 15-1-104
44.	REAL ESTATE TAX BILLS - May be called statements, ledgers	May microfilm for security and reference. If on computer, maybe put on COM	30 years see MCA 15-1-104
45.	REDEMPTION'S: Real Estate	May microfilm for security and reference. If on computer, maybe put on COM	30 years

*** Final report received by County Commissioners and must be audited before disposal.**

**** Final report received by Supt. Schools**

COM is Computer Output Microfilm

FOR RECORD DISPOSAL SEE MCA 2-6-403

DATE 8-12-1996

DEPARTMENT: **COUNTY TREASURER**

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
46.	SCHOOLS: a. Budgets b. Federal Project records, receipts (Special Ed, Title I-III, Vo-Ed, NDEA misc. etc.,) c. School acct. funds d. distribution of county levy from Supt. Schools. e. Petty ledger f. Bonds, coupons		All **Audit + 7 years*
47.	STATE BOARD OF INVESTMENTS (STIP) RECORDS: Sales , purchases, interest		Audit + 2 years*
48.	STATE COLLECTION REPORT: STATE TREASURERS REPORT OF COUNTY COLLECTIONS : MONTHLY		Audit + 7 years
49.	TAX DEED FILE - County	Recorded with Clerk and Recorder	30 years
50.	TAX INCREMENTS: Report for counties that have a special Development Fund in existence.		10 years*
51.	VOUCHERS SURRENDERED REGISTER		7 years after last entry and audit *
52.	WARRANT REPORT/ DISBURSEMENT REGISTER: Monthly		Audit +1
53.	WARRANTS/CHECKS: Canceled- Warrants usually given to Clerk and Recorder office; Checks kept by Treasurer office.		Audit + 7 years*

*** Final report received by County Commissioners and must be audited before disposal.**
**** Final report received by Supt. Schools**

COM is Computer Output Microfilm

FOR RECORD DISPOSAL SEE MCA 2-6-403

DATE 8-12-1996

Schedule No. 1

Montana Local Government
Records Committee

General Records Schedule

Signatures Page

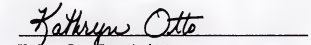
General Records Schedule

The undersigned members of the Montana Local Government Records Committee approve of the following Records Retention and Disposition Schedule:

Peggy Bourne, *Great Falls City Clerk*

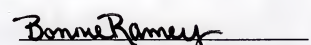
Edward Eaton, *State Records Manager*

Lorin E. Flesjer, *Dept. of Commerce*



Kathryn Otto, *State Archivist*

Marcia Porter, *Missoula County Records Management*



Bonnie Ramey, *Jefferson County Clerk & Recorder*

Lorraine Van Ausdol, *Gallatin County Clerk of District Court*

Approved: August 1996

DEPARTMENT: COUNTY GENERAL SCHEDULES (apply to all offices)

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
	RETENTION SCHEDULE APPLIES REGARDLESS OF FORMAT OF RECORD. SEE MCA 2-6-401 (2)		
1.	CORRESPONDENCE: GENERAL Includes routine incoming and outgoing correspondence, memoranda, E-mail, etc. which do not serve an accountability function, such as documenting decision-making, policy, or agency operations: examples include routine inquires and answers from the public which require no administrative action, no policy decision, and no special compilation or research for reply, e.g. requests for general information or publication, cover/transmittal letters which do not add information to that contained in the transmitted material, information copies of correspondence on which no documented administrative action was taken, acknowledgments, memoranda and correspondence generated by another agency and kept by the office for reference purposes, thank you letters, congratulations, quasi-official notices, such as notices of holidays, charity appeals, etc.		Review annually and destroy when no longer needed.
2.	CORRESPONDENCE: OFFICIAL Includes incoming and outgoing correspondence, memoranda, E-mail, and legal opinions, which document how the office is organized and how it functions; its pattern of action, policies, procedures, and achievements, and which serve to substantiate the accountability of the office.		Permanent. Consult State Archivist before transferring to local historical society, museum, or library.
3.	CORRESPONDENCE: READING FILES Copies of outgoing communications arranged chronologically and maintained for periodic review by staff; these copies are in addition to copies kept in either the Official Correspondence or the General Correspondence		Retain until no longer needed.
4.	CORRESPONDENCE: SUSPENSE / TICKLER / FOLLOW-UP FILES Files arranged in chronological order as a reminder that an action is required on a given date or that a reply to action has not been received, should be traced on a given day.		Incorporate into Official Correspondence if appropriate. If not, destroy after action has been taken.
5.	MINUTES OF MEETINGS: a. Staff b. Board or Committee	May be microfilmed.	a. Until outdated b. Permanent
6.	NON-RECORD MATERIAL: Duplicate copies of other documents retained only for convenience, outdated blank forms, routing slips which do not contain annotations of significance. Personal correspondence of a solely personal nature kept at the office for convenience-keep this in a separate file.		May be destroyed when no longer needed.

FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8-8-1996

DEPARTMENT: COUNTY GENERAL SCHEDULES (apply to all offices)

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
7.	REFERENCE FILES: Copies of documents retained strictly for reference and informational purposes and are not part of the official files. These include copies of reports, studies, special compilations of data, drawings, or other externally generated publications for which the originating agency maintains the original "record" copy, periodicals, books, clippings, brochures, catalogs, trade journals, vendor price lists, extra copies of manuals, publications etc.		Review annually and destroy material of no further use.
8.	SUBJECT FILES: ADMINISTRATIVE / OFFICIAL Arranged by subject, these may contain correspondence, memoranda, minutes, reports, etc., concerning policy, procedure, organization, programs, fiscal or personnel matters, legislation and regulations.	Select and retain documents of continuing administrative, fiscal, legal, or research use. May be microfilmed.	Permanent
9.	SUBJECT FILES: GENERAL May include correspondence, memoranda, publications, reports, and other information received by the office and filed by subject which DO NOT pertain to the performance of the mission functions of the office. Examples include documents concerning internal office procedures, hours of duty, individual duties which do not have continuing applicability, documents concerning housekeeping activities such as participation in charitable affairs, emergency tests, office security, parking, safety, excess or obsolete forms, property inventory sheets, lists or directories, phone logs, clippings, etc.		Review annually and destroy when no longer needed.
10.	TASK FORCE OR COMMITTEE FILES: Records relating to the establishment, organization, membership, and policy of any task forces or committees for which the office is the presiding official or the logical keeper of the records. These records may include minutes, agenda of meetings, correspondence, policies, procedures, final reports and other relevant supporting material.	May be microfilmed.	Permanent
11.	WORKING PAPERS / PROJECT FILES: Project background records, studies, analyses, notes, preliminary drafts, interim reports, which have been summarized in a final report or other form; does not include construction projects.		Final report - Permanent Working papers- 1 year after final action is taken on project, unless no report is prepared, then keep permanently.

FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8-8-1996

Appendix

Request and Authorization for Records Disposal

MONTANA LOCAL GOVERNMENT RECORDS COMMITTEE
Local Government Records Destruction Subcommittee

REQUEST AND AUTHORIZATION FOR RECORDS DISPOSAL

FROM:

TO: Montana Local Government Records Committee
C/O Dept. Of Commerce, Local Government Services
1424 Ninth Ave.
P.O. Box 200501
Helena MT 59620-0501

Authorization is hereby requested for the disposal of the following records under the provisions contained in 2-6-403, Montana Code Annotated

DESCRIPTION OF RECORDS (include case no. or other identifying numbers)	INCLUSIVE DATES FROM TO	APPROVE YES	APPROVE NO	COMMENTS
Example: District Court Civil Files No D79-130	19790101 19800630 (yyyymmdd yyyymmdd)	✓		Microfilmed

Authorization is granted on the express condition that all the fiscal records involved have been audited and the audit approved, or such records are not required for future audit, and that all of the records listed have ceased to have sufficient additional value to warrant future retention.

ORDERED BY		APPROVED BY	
Judge, or Chair of Board of Trustees/ Commissioners	Date	Local Government Records Destruction Subcommittee Member	Date
Records Custodian	Date	Local Government Records Destruction Subcommittee Member	Date

DESCRIPTION OF RECORDS (include case number or other identifying numbers)	INCLUSIVE DATES FROM TO (yyyymmdd yyymmdd)	APPROVE YES ✓	APPROVE NO ✓	COMMENTS

Schedule No. 5

Montana Local Government
Records Committee

STATE DOCUMENTS COLLECTION

JAN 25 2001

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

County Accounting/ Financial Schedule

Introduction

About This Book

Why schedules?

We have created these schedules to help you fulfill your recordkeeping responsibilities. Records retention and disposition schedules help you manage your records systematically by specifying how long,where, and in what format they will be kept and what their final disposition will be.

The Local Government Records Committee, with help from local records custodians, appraised the records and prepared the records retention and disposition schedules. The scheduling process is ongoing and involves close cooperation among local records custodians, local government officials, and state government agencies whose policies and procedures affect local government records or who have the expertise to provide valuable assistance. If you have suggestions to make about the schedules—changes, additions, questions—please contact the Local Government Records Committee.

What schedules include

Every record series listed on a schedule includes a title (and variant titles if needed for identification), a brief description of the record series' function and its contents (if necessary), a retention period (the length of time the record must be maintained in the office, and, in some cases, the length of time it can be kept in inactive storage somewhere other than the office), and a final disposition.

General schedules are designed for categories of records that many offices have in common, for example, correspondence and subject files. The Local Government Records Committee also produces specific schedules designed for specific offices.

Authority

MCA 2-6-402 & 2-6-403

In 1993 the State Legislature created a Local Government Records Committee to "approve, modify, or disapprove proposals for local government records retention and disposition schedules."

The Committee also can approve or disapprove requests to dispose of or destroy records; establish categories of records for which a disposal request is not required; respond to requests for technical advice on matters relating to local government records; and provide leadership and coordination in matters affecting the records of multiple local governments.

The Committee is composed of the State Archivist, the State Records Manager, an auditor from the Local Government Services Bureau in the Dept. of Commerce, plus four appointed local records custodians.

Disposition approval

An important component of any records management program is the disposition of records that have reached their prescribed retention period. The legislation established a Destruction Subcommittee to approve the disposal of local government records. The Subcommittee is composed of the State Archivist and an auditor from the Dept. of Commerce. The auditor is concerned with records that need to be saved for audit purposes and the State Archivist is interested in preserving records that have ongoing administrative, legal, or research value.

Please see the Appendix for a copy of the "Request and Authorization for Records Disposal" form. It is provided for your convenience, although you may prefer to submit your own computer printout or simply a letter giving the records series title and dates of the records you want to dispose of.

The State Archives also was given authority to accept transfers of records that local governments may no longer have room to store themselves. You may want to consider depositing your records with your local library, museum, or historical society. If you decide to deposit them locally, please contact the State Archivist for a deposit agreement form.

Definitions

Local government

As defined in 2-6-401, a local government means:

- any city, town, county, consolidated city-county, or school district;
- any subdivision of an entity named above.

Public records

Quoting from 2-6-401, a public record includes "any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including all copies of the records, *regardless of physical form or characteristics*, that has been made or received by any local government, in connection with the transaction of official business, and preserved for informational value or as evidence of a transaction and all other records or documents required by law to be filed with or kept by any local government in the state of Montana."

Records schedule

A records schedule—or records retention and disposition schedule—is a document providing minimum periods of time records must be retained and instructions for what to do with records no longer needed for current government business.

Disposition

Disposition is the actions taken regarding records no longer needed for current government business, including:

- transfer to a storage facility,
- transfer from one department or government entity to another,
- transfer of permanent records to an archives, and
- destruction of temporary records.

Destruction

Methods of destroying records include:

- burning, pulping, shredding, macerating, burial,
- disgarding with other waste materials, and
- selling or salvaging the record medium (e.g., recycling).

Legal Considerations

Privacy versus the Right-to-Know

The Montana Constitution assures citizens of both the right to know (Section 9) and the right to privacy (Section 10). When it comes to public records, these two sections sometimes appear to be in conflict. In addition to the constitutional right to know, MCA 2-6-102 also provides citizens the right to inspect and copy public records. Which is more important, the individual's right to privacy or the right to know?

There is a body of case law where Montana courts have done a balancing act between the two sections and decided which is more important in specific instances. These existing cases can be used to provide guidance. Also, it is sometimes possible to provide the information a citizen seeks without allowing the person to look at the confidential portions of the records. This can be done by looking at the records yourself and providing a verbal response to the citizen, or by photocopying and blocking out the confidential information before allowing the citizen to see the document(s).

When in doubt about whether something is confidential and or whether you have to allow access, consult your lawyer.

Stopping scheduled destruction of records when a law suit is filed

When a law suit is filed, it is very important that *you* stop the destruction of records that might be pertinent to the law suit, even if the records have already meet their scheduled retention period. If you continue with the destruction, it may *appear* to a judge that you intentionally disposed of records that could be needed in the law suit. If the judge thinks you intentionally destroyed records, your local government entity could be sanctioned.

If your local government is presented with a subpoena:

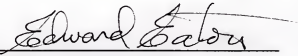
- Immediately tell your lawyer,
- Get an explanation from the lawyer about what is involved in the case so you know what records should not be destroyed and so you can help advise the lawyer about what records exist,
- Coordinate with your lawyer about what records are needed and when.

Signatures Page

County Accounting/Financial Schedule

The undersigned members of the Montana Local Government Records Committee approve of the following Records Retention and Disposition Schedule:

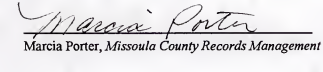
Peggy Bourne, *Great Falls City Clerk*



Edward Eaton, *State Records Manager*

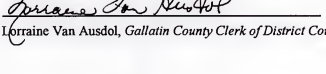
Lorin E. Flesjer, *Dept. of Commerce*

Kathryn Otto, *State Archivist*



Marcia Porter, *Missoula County Records Management*

Bonnie Ramey, *Jefferson County Clerk & Recorder*



Lorraine Van Ausdol, *Gallatin County Clerk of District Court*

Approved: August 1996

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: **COUNTY ACCOUNTING/FINANCIAL**

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
1.	1099 Form: Statement of earnings over $600.00 of earnings for services for Federal Tax purposes		4 years
2.	APPROVED FISCAL YEAR COUNTY BUDGET: Shows what is approved for each department for the fiscal year.	May be microfilmed.	Permanent : 1 copy in Clerk and Recorder office.
3.	AUDIT REPORTS		3 years
4.	BANK STATEMENTS		*Audit + 7 years
5.	CANCELED WARRANT LIST: Shows list by fund of all warrants canceled each month.		*Audit + 1 year
6.	CASH RECEIPTS: Shows amount received, from who, and what fund it went to.		*Audit + 1 year
7.	CLAIMS: Payments to vendors for services and goods.		*Audit + 7 years
8.	CLAIMS LIST/ REGISTER: May be kept by auditor if county has one. Report of all warrants paid to vendors.	If on computer, may be put on COM**	Permanent
9.	DETAIL POSTING BY ACCOUNT OR DEPT: Monthly listing of all transactions for each line item.	If on computer, may be put on COM.**	*Audit + 7 years
10.	DISBURSEMENT / EXPENDITURE REPORT: Monthly listing of expenses paid per line item.	If on computer, may be put on COM**	*Audit + 7 years
11.	FIXED ASSET INVENTORY: Inventory of county property, such as machinery, office equipment, etc.		*Audit + 1 year
12.	GENERAL JOURNAL: Monthly list of each journal entry created.	If on computer, may be put on COM**	*Audit + 7 years

** COM IS COMPUTER OUTPUT MICROFILM
FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8/21/96

*Final report received by County Commissioners

DEPARTMENT: **COUNTY ACCOUNTING/FINANCIAL**

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
13.	GENERAL LEDGER/TRIAL BALANCE: Shows balance at month end of all line items.	If on computer, may be put on COM **	Permanent
14.	GRANT INFORMATION: Includes Budgets, financial information, financial report.		*Audit + 3 years
15.	INDEMNITY BOND FILE: Form completed by vendors when checks are lost so new check can be issued.		*Audit + 7 years
16.	JOURNAL VOUCHERS: Transfer of funds between two departments.	If on computer, may be put on COM**	*Audit + 7 years
17.	MONTH END RECONCILIATIONS: Balancing of cash, expense, and revenue month to month.		*Audit + 1 year
18.	MONTHLY STATUS REPORT: Expense / revenue comparison , budgeted amount vs. actual .		*Audit + 1 year
19.	OUTSTANDING ENCUMBRANCE REPORT: Shows listing of purchase orders encumbered that have not cleared the accounts payable system.		*Audit + 1 year
20.	OUTSTANDING PURCHASE ORDERS: Listing of purchase orders still in unpaid status.		*Audit + 1 year
21.	PAYROLL RECORDS:	If on computer, may be put on COM * *	
	a. Accruals, deductions, year and quarter to date registers, cost distributions,		a. 8 years
	b. Employee history cards	Permanent records may be microfilmed	b. Permanent
	c. OASI Report		c. 4 years
	d. Overtime authorization and records		d. *Audit + 1 year
	e. Register		e. Permanent
	f. Retirement Reports		f. 8 years
	g. Time record/sheets		g. *Audit + 3 years
	h. W-2 form		h. 4 years
	i. W-4 form		i. 2 years after superseded or terminated.
	j. Wage attachments		j. Length of attachment + 1 year

** COM IS COMPUTER OUTPUT MICROFILM
FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8/21/96

*Final report received by County Commissioners

DEPARTMENT: COUNTY ACCOUNTING/FINANCIAL

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
22.	RECEIPTS: Duplicate A101 - Receipt for payment of account receivable invoices and other monies due the county. Reimbursement, etc.		*Audit + 1 year
23.	REVENUE REPORT: Monthly list of income per line item	If on computer, may be put on COM**	*Audit + 7 years
24.	SCHOOL DISTRICT BONDS AND COUPONS		Redeemed + 5 years
25.	SPECIAL IMPROVEMENT DISTRICT- (SID) RECORDS: Created by local governments for whatever reason necessary, May include roads, street lights, sewers, etc. Includes RSID, Rural Special Improvement Districts	If on computer, may be put on COM**	
	a. Bond Register/ Redemption reports		a. Permanent
	b. Bonds and Redeemed coupons		b. Redeemed + 5 years
	c. Files		c. 5 years after bonds are paid off.
	d. Payoff book		d. Permanent
	e. Payoff slips		e. 10 years
	f. Summary Delinquent		f. 10 years
26.	TAX DISTRIBUTION: (Accounting's copy) Shows how each tax dollar was disbursed among accounts.		*Audit + 1 year
27.	WARRANTS:	If any of the items are on computer, may be put on COM**	
	a. Approval list		a. through e : *Audit + 7 years
	b. All Warrants		
	c. Canceled warrant list		
	d. Outstanding List		f . permanent
	e. Payroll		
	f. Register		
28.	WORK PAPERS AND CLOSING FILES		*Audit + 1 year

** **COM** IS **C**OMPUTER **O**UTPUT **M**ICROFILM
FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8/21/96

*Final report received by County Commissioners

Schedule No. 1

Montana Local Government
Records Committee

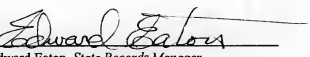
General Records Schedule

Signatures Page

General Records Schedule

The undersigned members of the Montana Local Government Records Committee approve of the following Records Retention and Disposition Schedule:

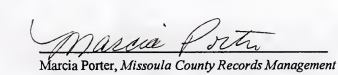
Peggy Bourne, *Great Falls City Clerk*



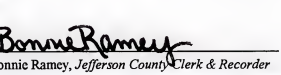
Edward Eaton, *State Records Manager*

Lorin E. Flesjer, *Dept. of Commerce*

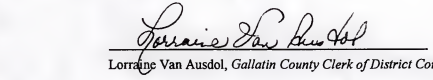
Kathryn Otto, *State Archivist*



Marcia Porter, *Missoula County Records Management*



Bonnie Ramey, *Jefferson County Clerk & Recorder*



Lorraine Van Ausdol, *Gallatin County Clerk of District Court*

Approved: August 1996

DEPARTMENT: COUNTY GENERAL SCHEDULES (apply to all offices)

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
	RETENTION SCHEDULE APPLIES REGARDLESS OF FORMAT OF RECORD. SEE MCA 2-6-401 (2)		
1.	CORRESPONDENCE: GENERAL Includes routine incoming and outgoing correspondence, memoranda, E-mail, etc. which do not serve an accountability function, such as documenting decision-making, policy, or agency operations: examples include routine inquires and answers from the public which require no administrative action, no policy decision, and no special compilation or research for reply, e.g. requests for general information or publication, cover/transmittal letters which do not add information to that contained in the transmitted material, information copies of correspondence on which no documented administrative action was taken, acknowledgments, memoranda and correspondence generated by another agency and kept by the office for reference purposes, thank you letters, congratulations, quasi-official notices, such as notices of holidays, charity appeals, etc.		Review annually and destroy when no longer needed.
2.	CORRESPONDENCE: OFFICIAL Includes incoming and outgoing correspondence, memoranda, E-mail, and legal opinions, which document how the office is organized and how it functions; its pattern of action, policies, procedures, and achievements, and which serve to substantiate the accountability of the office.		Permanent. Consult State Archivist before transferring to local historical society, museum, or library.
3.	CORRESPONDENCE: READING FILES Copies of outgoing communications arranged chronologically and maintained for periodic review by staff; these copies are in addition to copies kept in either the Official Correspondence or the General Correspondence		Retain until no longer needed.
4.	CORRESPONDENCE: SUSPENSE / TICKLER / FOLLOW-UP FILES Files arranged in chronological order as a reminder that an action is required on a given date or that a reply to action has not been received, should be traced on a given day.		Incorporate into Official Correspondence if appropriate. If not, destroy after action has been taken.
5.	MINUTES OF MEETINGS: a. Staff b. Board or Committee	May be microfilmed.	a. Until outdated b. Permanent
6.	NON-RECORD MATERIAL: Duplicate copies of other documents retained only for convenience, outdated blank forms, routing slips which do not contain annotations of significance. Personal correspondence of a solely personal nature kept at the office for convenience-keep this in a separate file.		May be destroyed when no longer needed.

FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8-8-1996

DEPARTMENT: COUNTY GENERAL SCHEDULES (apply to all offices)

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
7.	REFERENCE FILES: Copies of documents retained strictly for reference and informational purposes and are not part of the official files. These include copies of reports, studies, special compilations of data, drawings, or other externally generated publications for which the originating agency maintains the original "record" copy, periodicals, books, clippings, brochures, catalogs, trade journals, vendor price lists, extra copies of manuals, publications etc.		Review annually and destroy material of no further use.
8.	SUBJECT FILES: ADMINISTRATIVE / OFFICIAL Arranged by subject, these may contain correspondence, memoranda, minutes, reports, etc., concerning policy, procedure, organization, programs, fiscal or personnel matters, legislation and regulations.	Select and retain documents of continuing administrative, fiscal, legal, or research use. May be microfilmed.	Permanent
9.	SUBJECT FILES: GENERAL May include correspondence, memoranda, publications, reports, and other information received by the office and filed by subject which DO NOT pertain to the performance of the mission functions of the office. Examples include documents concerning internal office procedures, hours of duty, individual duties which do not have continuing applicability, documents concerning housekeeping activities such as participation in charitable affairs, emergency tests, office security, parking, safety, excess or obsolete forms, property inventory sheets, lists or directories, phone logs, clippings, etc.		Review annually and destroy when no longer needed.
10.	TASK FORCE OR COMMITTEE FILES: Records relating to the establishment, organization, membership, and policy of any task forces or committees for which the office is the presiding official or the logical keeper of the records. These records may include minutes, agenda of meetings, correspondence, policies, procedures, final reports and other relevant supporting material.	May be microfilmed.	Permanent
11.	WORKING PAPERS / PROJECT FILES: Project background records, studies, analyses, notes, preliminary drafts, interim reports, which have been summarized in a final report or other form; does not include construction projects.		Final report - Permanent Working papers- 1 year after final action is taken on project, unless no report is prepared, then keep permanently.

FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8-8-1996

Appendix

Request and Authorization for Records Disposal

MONTANA LOCAL GOVERNMENT RECORDS COMMITTEE
Local Government Records Destruction Subcommittee

REQUEST AND AUTHORIZATION FOR RECORDS DISPOSAL

FROM:

TO: Montana Local Government Records Committee
C/O Dept. Of Commerce, Local Government Services
1424 Ninth Ave.
P.O. Box 200501
Helena MT 59620-0501

Authorization is hereby requested for the disposal of the following records under the provisions contained in 2-6-403, Montana Code Annotated

DESCRIPTION OF RECORDS (include case no. or other identifying numbers)	INCLUSIVE DATES FROM	TO	APPROVE YES	NO	COMMENTS
Example: District Court Civil Files No D79-130	19790101 (yyyymmdd	19800630 yyyymmdd)	✓		Microfilmed

Authorization is granted on the express condition that all the fiscal records involved have been audited and the audit approved, or such records are not required for future audit, and that all of the records listed have ceased to have sufficient additional value to warrant future retention.

ORDERED BY		APPROVED BY	
Judge, or Chair of Board of Trustees/ Commissioners	Date	Local Government Records Destruction Subcommittee Member	Date
Records Custodian	Date	Local Government Records Destruction Subcommittee Member	Date

DESCRIPTION OF RECORDS (include case number or other identifying numbers)	INCLUSIVE DATES FROM TO (yyyymmdd yyymmdd)	APPROVE YES ✓	APPROVE NO ✓	COMMENTS

Schedule No. 6

Montana Local Government
Records Committee

STATE DOCUMENTS COLLECTION

JAN 25 2001

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

County Motor Vehicle Records Schedule

About This Book

Why schedules?

We have created these schedules to help you fulfill your recordkeeping responsibilities. Records retention and disposition schedules help you manage your records systematically by specifying how long, where, and in what format they will be kept and what their final disposition will be.

The Local Government Records Committee, with help from local records custodians, appraised the records and prepared the records retention and disposition schedules. The scheduling process is ongoing and involves close cooperation among local records custodians, local government officials, and state government agencies whose policies and procedures affect local government records or who have the expertise to provide valuable assistance. If you have suggestions to make about the schedules—changes, additions, questions—please contact the Local Government Records Committee.

What schedules include

Every record series listed on a schedule includes a title (and variant titles if needed for identification), a brief description of the record series' function and its contents (if necessary), a retention period (the length of time the record must be maintained in the office, and, in some cases, the length of time it can be kept in inactive storage somewhere other than the office), and a final disposition.

General schedules are designed for categories of records that many offices have in common, for example, correspondence and subject files. The Local Government Records Committee also produces specific schedules designed for specific offices.

Authority

MCA 2-6-402 & 2-6-403

In 1993 the State Legislature created a Local Government Records Committee to "approve, modify, or disapprove proposals for local government records retention and disposition schedules."

The Committee also can approve or disapprove requests to dispose of or destroy records; establish categories of records for which a disposal request is not required; respond to requests for technical advice on matters relating to local government records; and provide leadership and coordination in matters affecting the records of multiple local governments.

The Committee is composed of the State Archivist, the State Records Manager, an auditor from the Local Government Services Bureau in the Dept. of Commerce, plus four appointed local records custodians.

Disposition approval

An important component of any records management program is the disposition of records that have reached their prescribed retention period. The legislation established a Destruction Subcommittee to approve the disposal of local government records. The Subcommittee is composed of the State Archivist and an auditor from the Dept. of Commerce. The auditor is concerned with records that need to be saved for audit purposes and the State Archivist is interested in preserving records that have ongoing administrative, legal, or research value.

Please see the Appendix for a copy of the "Request and Authorization for Records Disposal" form. It is provided for your convenience, although you may prefer to submit your own computer printout or simply a letter giving the records series title and dates of the records you want to dispose of.

The State Archives also was given authority to accept transfers of records that local governments may no longer have room to store themselves. You may want to consider depositing your records with your local library, museum, or historical society. If you decide to deposit them locally, please contact the State Archivist for a deposit agreement form.

Definitions

Local government

As defined in 2-6-401, a local government means:

- any city, town, county, consolidated city-county, or school district;
- any subdivision of an entity named above.

Public records

Quoting from 2-6-401, a public record includes "any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including all copies of the records, *regardless of physical form or characteristics*, that has been made or received by any local government, in connection with the transaction of official business, and preserved for informational value or as evidence of a transaction and all other records or documents required by law to be filed with or kept by any local government in the state of Montana."

Records schedule

A records schedule—or records retention and disposition schedule—is a document providing minimum periods of time records must be retained and instructions for what to do with records no longer needed for current government business.

Disposition

Disposition is the actions taken regarding records no longer needed for current government business, including:

- transfer to a storage facility,
- transfer from one department or government entity to another,
- transfer of permanent records to an archives, and
- destruction of temporary records.

Destruction

Methods of destroying records include:

- burning, pulping, shredding, macerating, burial,
- disgarding with other waste materials, and
- selling or salvaging the record medium (e.g., recycling).

Legal Considerations

Privacy versus the Right-to-Know

The Montana Constitution assures citizens of both the right to know (Section 9) and the right to privacy (Section 10). When it comes to public records, these two sections sometimes appear to be in conflict. In addition to the constitutional right to know, MCA 2-6-102 also provides citizens the right to inspect and copy public records. Which is more important, the individual's right to privacy or the right to know?

There is a body of case law where Montana courts have done a balancing act between the two sections and decided which is more important in specific instances. These existing cases can be used to provide guidance. Also, it is sometimes possible to provide the information a citizen seeks without allowing the person to look at the confidential portions of the records. This can be done by looking at the records yourself and providing a verbal response to the citizen, or by photocopying and blocking out the confidential information before allowing the citizen to see the document(s).

When in doubt about whether something is confidential and or whether you have to allow access, consult your lawyer.

Stopping scheduled destruction of records when a law suit is filed

When a law suit is filed, it is very important that *you* stop the destruction of records that might be pertinent to the law suit, even if the records have already meet their scheduled retention period. If you continue with the destruction, it may *appear* to a judge that you intentionally disposed of records that could be needed in the law suit. If the judge thinks you intentionally destroyed records, your local government entity could be sanctioned.

If your local government is presented with a subpoena:

- Immediately tell your lawyer,
- Get an explanation from the lawyer about what is involved in the case so you know what records should not be destroyed and so you can help advise the lawyer about what records exist,
- Coordinate with your lawyer about what records are needed and when.

Signatures Page

County Motor Vehicle Schedule

The undersigned members of the Montana Local Government Records Committee approve of the following Records Retention and Disposition Schedule:

Peggy Bourne, *Great Falls City Clerk*

Edward Eaton, *State Records Manager*

Lorin E. Flesjer, *Dept. of Commerce*

Kathryn Otto, *State Archivist*

Marcia Porter, *Missoula County Records Management*

Bonnie Ramey, *Jefferson County Clerk & Recorder*

Lorraine Van Ausdol, *Gallatin County Clerk of District Court*

Approved: August 1996

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: **COUNTY MOTOR VEHICLE**

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
1.	20 DAY STICKERS: A sticker to put in the window of a vehicle so it can be driven for 20 days before it has to be titled.		Audit + 1 year
2.	APPLICATIONS: a. Personal Plate : for a personalized license plate b. Trailer : For a Montana serial number for a homemade trailer.		a. Audit +1 year b. Audit +2 years
3.	CASH BALANCE SUMMARY: Daily office totals of receipts of checks, credit cards, refunds, over and short.		Audit +1 year
4.	CASH OVER & SHORT: Record of cash over and short balances per operator by day with date, reason and amount.		Audit +1 year
5.	COMPLETED DEER LODGE RETURNS: List of problem titles from State DMV in Deer Lodge that have been corrected and returned to Deer Lodge.		Audit +3 years
6.	COMPUTER REPORTS: Daily transactions reports by operator, monthly reports for state distribution.		Audit +3 years
7.	INCOMING DEALER LISTS: List of all titles by date, customer name, dealer, lien or no lien, expiration date, new or out of state vehicles.		Audit +3 years
8.	LETTERS/ CORRESPONDENCE: a. Disabled Vet Letters- from VA verifying customer is 100 % service related disability b. Incomplete/Dead letter (DMV) - titles not completed by customer or titles started but not approved at state DMV. c. Indian Exempt Letters: from the tribe that exempts customer from taxes d. Title Letters to state DMV: list of titles sent to state DMV daily e. Unclaimed Mail- Returned mail from Post Office		a. Audit +2 years b. Audit +3 years c. Audit + 2 years d. Audit +3 years e. Audit +2 years
9.	RECEIPTS: a. Lien Perfection -Receipt of liens filed on a daily basis b. Void Registration-All 4 copies of transactions voided on a daily basis.		a. Audit + 3 years b. Audit +1 year
10.	REFUND REPORT: List of refunds to customers by date, check number, check issue date, customer name, and amount.		Audit +2 years
11.	TAX FORM 2290: Paid copy of heavy use tax for anyone carrying 55,000 lbs GVW (gross vehicle weight) or more.		Audit + 2 years
12.	TRANSMITTAL FORMS: Returns to dealers. Letters for returning title work that is incomplete or wrong.		Audit + 2 years
13.	VEHICLE REGISTRATIONS: All receipts for titles or registration of all vehicles in the county. Includes: ATV's, Cars, boats, motorcycles, personalized plates, single trip, snowmobiles, special mobiles, trailers, trucks, 60 day stickers.		4 years See MCA 61-3-101 #6 Must be audited before disposal

FOR RECORD DISPOSAL SEE MCA 2-6-403

Date: 8-12-1996

Schedule No. 1

Montana Local Government
Records Committee

General Records Schedule

Signatures Page

General Records Schedule

The undersigned members of the Montana Local Government Records Committee approve of the following Records Retention and Disposition Schedule:

Peggy Bourne, *Great Falls City Clerk*

Edward Eaton, *State Records Manager*

Lorin E. Flesjer, *Dept. of Commerce*

Kathryn Otto, *State Archivist*

Marcia Porter, *Missoula County Records Management*

Bonnie Ramey, *Jefferson County Clerk & Recorder*

Lorraine Van Ausdol, *Gallatin County Clerk of District Court*

Approved: August 1996

DEPARTMENT: COUNTY GENERAL SCHEDULES (apply to all offices)

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
	RETENTION SCHEDULE APPLIES REGARDLESS OF FORMAT OF RECORD. SEE MCA 2-6-401 (2)		
1.	CORRESPONDENCE: GENERAL Includes routine incoming and outgoing correspondence, memoranda, E-mail, etc. which do not serve an accountability function, such as documenting decision-making, policy, or agency operations: examples include routine inquires and answers from the public which require no administrative action, no policy decision, and no special compilation or research for reply, e.g. requests for general information or publication, cover/transmittal letters which do not add information to that contained in the transmitted material, information copies of correspondence on which no documented administrative action was taken, acknowledgments, memoranda and correspondence generated by another agency and kept by the office for reference purposes, thank you letters, congratulations, quasi-official notices, such as notices of holidays, charity appeals, etc.		Review annually and destroy when no longer needed.
2.	CORRESPONDENCE: OFFICIAL Includes incoming and outgoing correspondence, memoranda, E-mail, and legal opinions, which document how the office is organized and how it functions; its pattern of action, policies, procedures, and achievements, and which serve to substantiate the accountability of the office.		Permanent. Consult State Archivist before transferring to local historical society, museum, or library.
3.	CORRESPONDENCE: READING FILES Copies of outgoing communications arranged chronologically and maintained for periodic review by staff; these copies are in addition to copies kept in either the Official Correspondence or the General Correspondence		Retain until no longer needed.
4.	CORRESPONDENCE: SUSPENSE / TICKLER / FOLLOW-UP FILES Files arranged in chronological order as a reminder that an action is required on a given date or that a reply to action has not been received, should be traced on a given day.		Incorporate into Official Correspondence if appropriate. If not, destroy after action has been taken.
5.	MINUTES OF MEETINGS: a. Staff b. Board or Committee	May be microfilmed.	a. Until outdated b. Permanent
6.	NON-RECORD MATERIAL: Duplicate copies of other documents retained only for convenience, outdated blank forms, routing slips which do not contain annotations of significance. Personal correspondence of a solely personal nature kept at the office for convenience-keep this in a separate file.		May be destroyed when no longer needed.

FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8-8-1996

DEPARTMENT: COUNTY GENERAL SCHEDULES (apply to all offices)

ITEM	RECORD TITLE AND DESCRIPTION	COMMENTS	RETENTION TIME
7.	REFERENCE FILES: Copies of documents retained strictly for reference and informational purposes and are not part of the official files. These include copies of reports, studies, special compilations of data, drawings, or other externally generated publications for which the originating agency maintains the original "record" copy, periodicals, books, clippings, brochures, catalogs, trade journals, vendor price lists, extra copies of manuals, publications etc.		Review annually and destroy material of no further use.
8.	SUBJECT FILES: ADMINISTRATIVE / OFFICIAL Arranged by subject, these may contain correspondence, memoranda, minutes, reports, etc., concerning policy, procedure, organization, programs, fiscal or personnel matters, legislation and regulations.	Select and retain documents of continuing administrative, fiscal, legal, or research use. May be microfilmed.	Permanent
9.	SUBJECT FILES: GENERAL May include correspondence, memoranda, publications, reports, and other information received by the office and filed by subject which DO NOT pertain to the performance of the mission functions of the office. Examples include documents concerning internal office procedures, hours of duty, individual duties which do not have continuing applicability, documents concerning housekeeping activities such as participation in charitable affairs, emergency tests, office security, parking, safety, excess or obsolete forms, property inventory sheets, lists or directories, phone logs, clippings, etc.		Review annually and destroy when no longer needed.
10.	TASK FORCE OR COMMITTEE FILES: Records relating to the establishment, organization, membership, and policy of any task forces or committees for which the office is the presiding official or the logical keeper of the records. These records may include minutes, agenda of meetings, correspondence, policies, procedures, final reports and other relevant supporting material.	May be microfilmed.	Permanent
11.	WORKING PAPERS / PROJECT FILES: Project background records, studies, analyses, notes, preliminary drafts, interim reports, which have been summarized in a final report or other form; does not include construction projects.		Final report - Permanent Working papers- 1 year after final action is taken on project, unless no report is prepared, then keep permanently.

FOR RECORD DISPOSAL SEE MCA 2-6-403
DATE: 8-8-1996

Appendix

Request and Authorization for Records Disposal

MONTANA LOCAL GOVERNMENT RECORDS COMMITTEE
Local Government Records Destruction Subcommittee

REQUEST AND AUTHORIZATION FOR RECORDS DISPOSAL

FROM:

TO: Montana Local Government Records Committee
C/O Dept. Of Commerce, Local Government Services
1424 Ninth Ave.
P.O. Box 200501
Helena MT 59620-0501

Authorization is hereby requested for the disposal of the following records under the provisions contained in 2-6-403, Montana Code Annotated

DESCRIPTION OF RECORDS (include case no. or other identifying numbers)	INCLUSIVE DATES FROM TO	APPROVE YES	APPROVE NO	COMMENTS
Example: District Court Civil Files No D79-130	19790101 19800630 (yyyymmdd yyyymmdd)	✓		Microfilmed

Authorization is granted on the express condition that all the fiscal records involved have been audited and the audit approved, or such records are not required for future audit, and that all of the records listed have ceased to have sufficient additional value to warrant future retention.

ORDERED BY		APPROVED BY	
Judge, or Chair of Board of Trustees/ Commissioners	Date	Local Government Records Destruction Subcommittee Member	Date
Records Custodian	Date	Local Government Records Destruction Subcommittee Member	Date

DESCRIPTION OF RECORDS (include case number or other identifying numbers)	INCLUSIVE DATES FROM TO (yyyymmdd yyymmdd)	APPROVE YES ✓	APPROVE NO ✓	COMMENTS